THE

Laws and Customs

OF THE

STANNARIES

In the COUNTIES of

CORNWALL and DEVON.

Revis'd and Corrected according to the Antient and Modern Practice.

In Two PARTS.

The First, Containing the Charter of Edw. I. being the first Charter for erecting the TINNERs of Cornwall and Devon into a Corporation, with an Ex-

position of the said Charter, by Parliament, 50 Ed. III.

II. The several Laws and Constitutions, made by the several Parliaments of Tinners, in the Reigns of King James I. Charles I. James II. and Queen Anne, together with the Journals, Speeches, Addresses, and other Proceedings of the said Parliaments.

III. A Compleat Treatife of the Laws of the Stannaries, and the Method of Proceeding in the several Courts of Stannaries; with the Judges Opinions on the Force of those Laws, by the King's special Direction. Also several Cases and Pleadings thereupon, in the Star-Chamber, touching Writs of Error.

IV. The Power of the Lord Warden in Law and Equity, with two Remarkable Cases between the Lord Warden and the Sherist of Devon, the One for

Felony, and the Other, for Murder, with the Pleadings at large.

V. The Rights of the PRINCE as Duke of CORNWALL. Also a Compleat TABLE of the Fees of the Stannary Courts.

VI. The Customs of the STANNARY of BLACKMORE, set forth by way of Preface.

PART II.

Containing the Laws and Customs of the Stannaries of Devon.

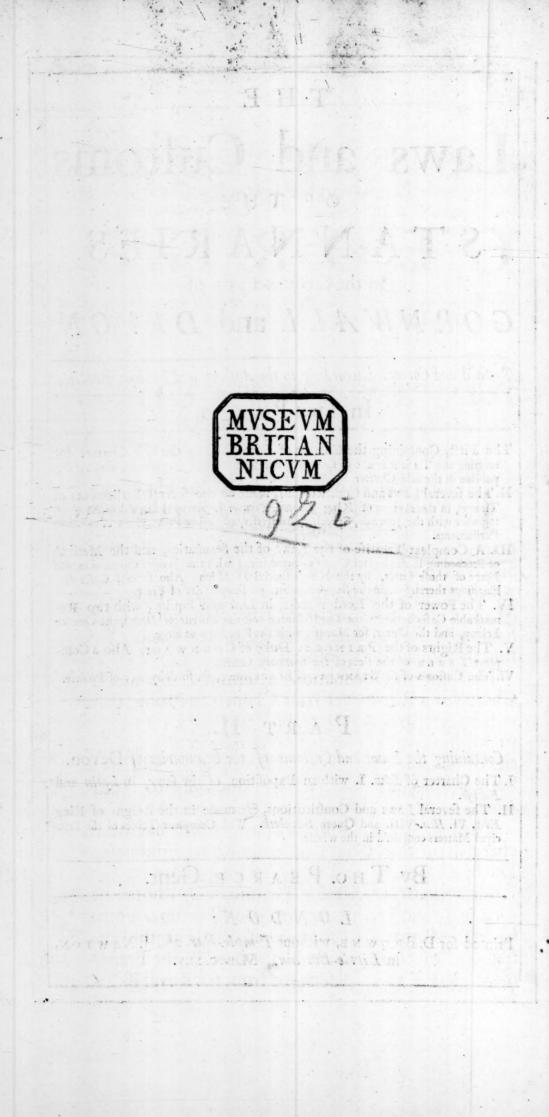
I. The Charter of Edw. I. with an Exposition of the same, in Latin and

II. 'The feveral Laws and Conftitutions, &c. made in the Reigns of King Edw. VI. Hen. VIII. and Queen Elizabeth. With Compleat Tables of the Principal Matters contain'd in the whole.

By THO. PEARCE, Gent.

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His Royal Highness,

GEORGE,

Prince of WALES,

AND

Duke of CORNWALL, &c.

May it please your Royal Highness,

HE Duty I owe to Your Royal Highness's Person, and the Zeal and Affection I have for my native Country, has conquer'd the Disficulties I met with, in compiling the following Sheets; especially, when I consider'd the Advantages which would accrue to your Royal Highness's STANNARIES, as well as to the Ease of the Subject, by having the Jurisdiction of those Courts, more dissinctly explain'd and observ'd.

Had not my Inclinations determin'd me in the Choice of a Patron, yet your Claim is so strong, that to have inscrib'd, A Body of the Laws and Customs of your Royal Highness's Stannaries in the Counties of Cornwall and Devon, to any other, would have been misplacing that Homage, due only to Your

Illustrious Merits.

The Neglect of publick Spirit, which has been charg'd on the Natives of your Royal Highness's Duchy of CORNWALL, by, so long, delaying the Publication of so Useful a Treatife, will, I hope, be forgiven; and I rejoice in my good Fortune, which has reserv'd that Task for me, especially at this auspicious Juncture, which blesses us with the Enjoyment of a KING, descended from the Royal Blood

DEDICATION.

of the PLANTAGENETS; and, Your Royal Highness, Prince of WALES, and [Duke of

CORNWALL.]

It has been my chief Care in the pursuit of this Work, to publish nothing but what is grounded on judicial Records, Rolls of Parliament, and other Authorities; but, especially, on the Resolutions of the Judges: The great Lights and Assistance I have received from those immediately concerned under your Royal Highness, was chiefly owing to their Love of Veracity; that every Line might be warrantable, to which You vouchsafed a Countenance, and to furnish Your Countrymen, with Opportunities, of knowing their respective Claims and Privileges.

The utmost Period of my Hopes, is, that the following Sheets may be render'd as acceptable to your Royal Highness, as I humbly conceive they will be profitable to Your Revenue, which will be a sufficient Reward for the Difficulties I have over-

come in compleating them.

You have so long, and so vigorously contributed to the Desence of Mankind, that none have escap'd your Royal Highness's nearest Regard and Tenderness, by which Means, you very early became Master of the Assections of the British Nation: And that we may be blessed with a Succession of Princes in Your Illustrious House, to continue the Guardians and Protectors of the Protestant Interest in Europe, and our happy Constitution in Britain, till Time shall be no more, is the Prayers and hearty Wishes of,

May it please your Royal Highness,

Your most Obedient,

Devoted, humble Servant,

TO THE

READER.

BEFORE the Charter of Edward the First, the Stannaries of Cornwall and Devon were subsisting, as by the two several Charters of King John, and Richard King of the Romans, now remaining on Record

in the Tower of London, do appear.

But as these several Charters do not carry with them fuch Vigour and Force of Law, as the Charter of Ed. I. supported by several Acts of Parliament; yet will it serve to inform the Reader, that these Laws were still more antient than any of the Records above specified. It is evident to every Day's Experience, that Laws, the further they are from their original Institution, grow larger and more numerous: In the first Coalition, (of a People) their Prospects are not great, they provide Laws for their present Exigence and Convenience; but in Process of Time, possibly, their first Laws are changed, altered, and antiquated, as some of the Laws of the Twelve Tables of the Romans were; but whatsoever is done, touching their old Laws, there must of Necessity be a Provision of new, successively answering to the Multitude of successive Exigences and Emergences, that in a long Tract of Time will offer themselves; so that if any Man could, at this day, have the Prospect of all the Laws of the Britains, before

any Invasion upon them, it would yet be impossible to fay which of them were new, and which old, and to recount the several Seasons and Periods of Time, wherein every Law took its Rise and Original, (especially) since it appears, that in these elder Times, the Britons were not reduced to that civilized Estate, as to keep the Annals and Memorials of their Laws and Cultoms, as the Romans, and other civiliz'd Parts of the World, have done.

Neither is it possible to make any General Rule of the Law, but that it shall fail in some Case or other: Therefore Makers of Laws have Regard to fuch Things as may often come, and not to every particular Case.

The Cornish Tradition is, that the Saxons inhabiting

these Parts, were the chief Workers and Searchers for Tin, who in those antient Days wrought not with Spades, and working Tools, made with Iron, as they now do, but all made of Oak; they, as they got their Tin, had their Blowing-Houses, now call'd Smelting-Houses, near their Works; for Proof whereof, divers Workers of Tin have often found their Shovels, Spades, and Mattocks, made all of Oak and Holly: But whether those Workers were Saxons, or Danes, or any other Nation, is not certain; the Tinners call the antient Works by the Name of the Working of the Tews: it is most manifest, that there were Jews inhabiting here until the Year of our Lord 1291. and this they prove by Attall Sara- the Names yet enduring, viz. Attall Sarazin, in English, The Tews Feast. But whether they had liberty to work and fearch for Tin, does not appear, because they had their Dwellings chiefly in great Towns and Cities; and being great Usurers, were in that Year banished out of England, to the Number of 15060, by the Most Noble Prince, Edward I. And this further appears, by Polybius, who, 209 Years before Christ, wrote, that this Island was abundantly stored with Tin. Diodorus Siculus floruit sub Augusto. It appeareth by some antient Records, relating to the Customs of the Stannaries, that the Tinners, before the Charter of Edward I. wrought and searched for Tin in Wastrell Grounds, and

vin.

Diodorus Siculus, lib.

in the Prince's feveral Lands only, where any Tin might be found, and had Liberty to dig, fearch, and make Sharts, and pitch Bounds, paying only to the Prince, or Lord of the Soil, the fifteenth Boll, to and for Toll of their Tin, and to work for Tin in Places of the most Advantage, excepting only Sanctuary Ground, Churches, Mills, Houses, and Gardens; provided always, that if the faid Tinners, in their working, chanced to subvert or work up any Man's House, or High Way, the Tinners fo subverting, should, at their own proper Cost and Charges, make, or cause to be made up, the faid Houses, or High Way, so subverted or undermined, so lawful and sufficient as they were before, the Bounds of all and every several Courts being most necessary to be known; for as the Body of Man is best order'd when every particular Member exerciseth his Property, so the Body of the Cok. Inflit. Commonwealth is best govern'd, when every several part. 4. Court of Justice executeth his proper Jurisdiction.

liament.

The Customs of Kent, where the Lands which are called Gavelkind Lands, by that Custom, descend to all the Heirs Male in equal Proportion, and several other Customs, in force only in that County: The Customs of London, which are very numerous, the Customs of Mannors, by which some Lands descend to the youngest Sons, this Custom is called Borough-English; and these private or particular Customs differ from the Common Law in this, that they only pass for Law in those Places where they have been, and allowed for Customs

Customs beyond the Memory of Man: Whereas the Common Law is the general Custom in Force, all the Kingdom over, unless altered by Act of Parliament, and not restrained to one particular Place; and there are no Statutes that treat of the Beginning of Customs, nor why they should be held for Law; but of every Custom there are two essential Parts, Time out of Mind, and Continuance and peaceable Usage without lawful Interruption.

Coke Litt. fect. 165. fo. 115.

When Matters of Moment relating to the Customs of those Stannaries come to be questioned and debated, there were, and are, in every of the said Counties of Cornwall and Devon, several Parliaments, or General Affemblies of Tinners, summoned by the King's Warrant, directed to the Lord Warden of the Stannaries, whereunto every Stannary sendeth Burgesses, by whose Advice and Consent, Constitutions, Orders, and Laws, are made touching Tin Causes; the same do bind the whole Body of Tinners as firmly as if the same had been established in the general Parliament of this

It is further evident, by the first Part of the Charter of Edward I. hereafter fet forth, which hath these Words, Sciatis, quod nos ad emendationem Stannar' nostrar' in Com' Cornub' ad tranquillitatem & utilitatem Stannator &c. ficut antiquitus fieri consuevit. Therefore the Charter aforesaid justifies the Premises, and makes it evident, that those Stannaries were subsisting before, because ad emendationem Stamar implies it. 10 2001

Vide the whole Proceeding, fo. Realm.

Coke Litt.

In the 35 Edw. I. two Years after granting of this Charter, 'tis recorded, that Walter Wallyns, Stannator, was indicted at Exeter, before the Justices Itinerant, for killing Walter Wallyns, the Son of his Brother in Decena de Horne. Therefore those Courts, and all other Courts fo. 379. sett. of inferior Jurisdiction, we doubt, have usurped Authorities not confistent with their original Jurisdiction. The antient Judges, and Sages of the Law, have ever (as it appeareth in our Books) suppressed Innovations and Novelties in the Beginning, as foon as they have offered to creep up, lest the Quiet of the Commonwealth might be disturbed; and so have Acts of Parliament done the like; therefore an Amendment of those Stannaries, supported by Parliament, was

thought necessary.

Tis probable, that after-Wardens of the Stannaries were of the same Opinion; for in the 51st of Edw. III. an Amendment and Explanation of those Stannaries was petitioned for by Parliament, in these Words: "In case a Tinner be taken for Felony, and deliver'd to the Warden, he is very often suffered to go at large; from whence much Danger hath oftentimes happened; and also from there not being a Delilivery of the Goal above once in ten Years; before which Act the Customs of the Stannaries were variously interpreted." Vide the Act of Exposition bereafter set forth.

The Laws, Franchises, and Liberties, appertaining to the Stannaries of Cornwall and Devon depend, in some Respects, upon the Kings Charters; in other Respects, upon common Right; and, in a third, upon Usages

and Customs.

The Laws, Franchises, and Liberties of the Tinners, Vide Expoby reason of their Charter, may be apparent by the Charter of View of the Charter itself, by which they are now refer- Edw. III. red to the Wisdom and Circumspection of such Persons of the Jury as carry a worshipful Reputation, and to the Discretion of the Tinners impannelled with them, which are to view, search, and publish lawful and approved Customs.

Altho' 'tis a Maxim in Law, A Court cannot be held by Custom and Letters Patents also; for if one have a Court by Custom, and purchase Letters Patents, and holds the Court by them, the Custom is extinguished;

but this must be meant without Parliament.

All Courts of Record are originally the King's, and derived from him as the Fountain of all Justice; for though a Corporation may be by Proscription, yet it shall be intended, that such Corporation did (originally) derive its Authority, by Grant, from the King, for the King is the Head of the Commonwealth, and all the b

Commonweath, in respect of him, is but as one Corporation; as all other Corporations are but Limbs of a greater.

The Stannaries are not such Courts, within the Maxim of the Common Law, they are Courts by Custom, confirmed by Charter and Act of Parliament.

Observe the Words ad emendationem Stannariorum &c. & quieti sunt de omnibus tallagiis, theoloniis, stallagiis, auxilliis & aliis customis quibuscunque in villis portubus ferius &c. Et Equas & Cursus aquarum ad operationes Stannar' pred' divertere ubi & quoties opus fuerit & emere buscam ad functuram Stanni sicut antiquitus fieri consuevit. In English (thus) For the Amendment of our Stannaries, &c. and that they may be quit from all Tallages, Tolls, Stallages, Aids, and other Customs whatsoever, in Towns, Ports, Fairs, &c. and the Waters, and Water-Courses, for the working of the Stannaries aforesaid, and to turn, when and so often as need shall require, and to buy Bushments for the melting of Tin, as of old Time bath been accustomed to be And the Statute of the 51st of Edw. III. gives no new Construction, but an Explanation of the said Charter of the 33d of Edw. I. and taketh away the Ambiguities of the Words of the faid Charter, and abolisheth the Griefs of the said Tinners. Vide the Statute of King Charles I. where all the Privileges of the Tinners are confirmed and explained.

So, by the Custom of the City of London, a Foreigner within the City, shall not sell Things by Retale, on Pain of Five Pounds; but it is not good by Charter; therefore Cities which are incorporated within Time of Co. 8. R. fo. Memory, cannot have such Privileges without Par-

liament.

By Continuance of Time, the Tinners having great Profits by Tin, wrought by Custom until the 33d of Edw. I. Ann. Dom. 1305. It was thought good, by the Tinners of the County of Cornwall, to procure by Charter, free Liberty to dig and search for Tin in any Place where Tin might be found, and a Court to determine all Matters and Causes between Tinners; which Prerogative could not be obtained without a Corporation,

(viz.)

(viz.) Freeholders, which might bind their Heirs, by their Inheritance to the faid Court, wherein the Inhabitants of the Stannary of Blackmore, brought this Matter to good Effect, for, and in the Name of the whole County, and obtained this Grant from the Prince of famous Memory, King Edward I. as by the faid Charter to the Tinners hereafter mentioned does appear, and is now called by the Name of One Stannary only, altho' divided into four, for the Use of the whole County. In those Days there were Gentlemen dwelling in Blackmore Stannary, chiefly in those Parishes, Sr. Anstell, Luxillion, Lanleury, Roach, Eva, St. Stephens, St. Mewan, and St. Denis, which offered to bind their Lands and their Heirs for ever, to answer unto the Court of the Stannary of Blackmore, (viz.) Predis Leweddon, Herles Tomyrow, Leftowen Laffriham and Reynolds, Tinners; these Gentlemen did not only bind themselves and their Heirs, within the said several Parishes, to answer at every Law-Court within the said Stannary, but are unto this Time amerced for their several Defaults, if they appear not at the said Court: There were also within these Parishes eight other Gentlemen, which bound their Tythings wholly to appear, and to do Suit to the Court on every Law-Day, and are amerced if they do not appear; and also eight Tythingmen, to serve the Court continually, one for every Tything, which do fill continue, and are in full Force, whose Names and Fines are as follows, (viz.)

1.	s.	d.
Nath. Kendall Decimar' de Trereth 00	ij	00
Jo. Lord Roberts Decimar' de Lestwithiel	vj	00
Trevanion Decimar' de Treviabin 00	vi	00
Herle Decimar' de Pridis	ij	00
Decimar' de Trenance Anftell 00	Bij	04
Edgeombe Decimar' de Tomudres - 00		
Boscamen Decimar' de Tregineck 00	VÍ	00
Arundett Lauburne Decimar' de Devilljack - 00	•	00

Sum total xxxvij 04
Besides

Besides all these, there are other Tythings which pay a yearly Fine to the Prince, and are not bound to any Suit at all, which Duty is yearly paid into the Exchequer, by the Bailiss of the Stannary, which is three Pounds odd Money, a great Part whereof of late Years, have been lost.

The Tythingman of Lowbelishall is compelled to levy the whole at the Audit; the Place where the principal Court aforesaid in old time us'd to be kept, is unto this Day called Hallew, alias Haldew, being a Cornish Name,

as much as to say Blackmore.

There is likewise another Duty paid into the Exchequer out of the Stannary of Blackmore, called Tribullage, or Shovel-Money: This Duty ought to be collected and gathered of every Tinner, working and searching for Tin, within the Hundred of Pyder, yearly, one Halfpenny; for this Collection the Bailiss payeth into the Exchequer yearly vij s. viij d.

The Particulars the Bailiff shall be charged withal, on his Account, payable upon the 16th or 17th of October yearly.

De Fine libere tenet - - - - OO XXXVIIJ 04

De Extract' - - - - OO XXXVIIJ 04

De Fine Stanni - - - - iij 00 00

De aliis Perquisitis Curie

All this I have set down, that it may appear most manifest unto the Reader, that as the Inhabitants of Blackmore were the only Purchasers of the Grant, or Charter, of the Tinners of Cornwall, so are they yearly burthened with the Payment of these yearly Sums; and as for the Stannaries of Foweymore, Penwith, Kirrier, and Tywarnhale, they are charged with no more Payments but only the Perquisites and Americaments of their several Courts, the Charter being granted by the Prince, and delivered unto the Tinners of Blackmore, and a Common Seal made for the same Purpose,

of a pretty Breadth, having the Print in it of one working with a Spade in a Tin-Work, and another with a Pick-Ax, delivered to them, together with the said Charter. These, the Tinners receiving, appointed it to be kept in the Tower of Luxillian, in a Cosser with eight Locks and eight Keys. This common Seal of Tinners serveth for the following Purpose, viz. that if they should be molested, grinded, or wrongfully troubled, contrary to their antient Customs and Liberties, they, by presenting to the Prince, or his Council, Suplication of their Griefs, having their common Seal thereunder annexed, might have the better Credit at the Hands of His Highness, or his honourable Council, as hath several Times been the Custom both of the Tinners of Cornwall and Devon.

Before the Charter of Edw. I. all the Tin in Cornwall and Devon, to whomsoever the Land belong'd, appertained to the King; and this is proved by divers Records, and by the Charters amongst the Records of the Bishop of Exeter, and that all the Lands of the County were the Demesne of the King, and upon Grant of the said Lands, the King reserved the Mines to himself, is also by the Prerogative of his Crown; and altho' the Ore thereof be in another's Land, it is for the Excellency of the Matter, appropriated by Law to the Person most Excellent [the King]: First, for the Ne- Plow. Com. ceffity of defending his People, and preferving the Com- 315. monwealth against foreign Hostility; and Secondly, for the Convenience of his Subjects, that they, by the Coin made thereof, (which the King only may make) may have between them mutual Commerce and Traffick, because, if the Subject should have Gold or Silver in his own Land, he might have converted it into

No Mine of Copper being void of Gold, and no Mine of Tin void of Silver.

Coin, and would thereby exceed the King in Treasure.

The King shall have, by his Prerogative, Mines of Copper, containing Gold or Silver, in the Lands of another, because they are as things entire, by the Commixture of magis dignum trahit ad se minus dignum, and therefore

Lands, and in the Lands of another for Tin, and to have this to their Use, derive their Power from the

Kings of this Realm.

And although it be to the Prejudice of another's Freehold, yet because the Law gives these Mines to the King, it giveth him all necessary Means to improve it, by digging, with all Incidents thereunto, for every Prerogative contains in itself Prescription; for it is an Ufage, and as Prescription and Usage will give Title and Interest to the King in the Freehold of another, so, by Prerogative, the King might enter into the Woods of another, and take Trees for Repair of his Castles, before the Statute of Magna Charta, cap. 22. he might likewise disafforest another Man's Woods, before the Statute of Foresta, cap. 2. And therefore those in Cornwall and Devon, for digging in their Land, and in other Land, for Tin, and to have this to their Use, derive their Power from the Kings of this Realm by having several Liberties granted them from the Crown, as by Charter 33d Edw. I. confirmed by Rich. II. &c. but the Power given to them for to dig in another's Land, and to pull down Houses of another, was restrained by the Statute of the 50 Edw. III. Derbyshire, and other Places prescribe to take Lead of Mines stirile, which is without Gold or Silver, without paying any thing.

The Kings of England in their Times, and also the Dukes of Cornwall, have had the Pre-emption of Tin, which is a Privilege belonging unto, and reserved unto themselves by their Charters of Liberties granted unto the Tinners, which Pre-emption, as by several Precedents may be proved, both the Kings of England and Dukes of Cornwall have made use of, when they wanted Money. Vide the Clause in the Charter of Edw. I. Nisi (saith he) nos vel bæredes nostri Stannum illud emere volue-

rimus.

This Clause is to be understood according to the Charter of Hen. VII. where twenty four Stannators in Parliament, or Convocation, assembled, or sixteen of them are consenting.

Prince

Prince Arthur, eldest Son to King Hen. VII. made certain Constitutions relating to the Stannaries, which the Tinners refusing to observe, and taking greater Liberty than was justifiable by their Charters, King Hen. VII. (who seldom let slip any Opportunity of filling his Coffers) made that a Pretence, after Prince Arthur's Death, to secure the Stannaries into his own Hands; but finding that it did not turn to such Account as he expected, was prevailed upon to accept of 1000 l. for all the pretended Forfeitures, granting them his Charter of Pardon; by which Charter he further enacted, that no Law relating to the Tinners, should be made without the Consent of twenty four Stannators, and those to be chosen by the Mayors and Council of the Boroughs in the four Divisions of the Stannaries. Vide the Charter now remaining on Record in the Chapel of the Rolls.

And it is by the said Charters of Privileges expressly mentioned, That no Tinners whatsoever, shall sell or dispose of any Tin, in either of the said Counties of Cornwall and Devon, either black or white Tin, but only at several appointed Times in the Year; to which Places all the vendible Tin in the several Counties aforesaid are brought and weighed by a Beam and Weights, and after the same is so weighed, it is coined with a Stamp, called the Coinage, for which there is due to the Prince, as Duke of Cornwall, the Sum of Forty Shillings for every Thousand Weight so weighed and coined, and is Parcel of the Revenues of the Dutchy of Cornwall, first granted by King Edw. III. unto the Duke of Cornwall, and annexed unto the said Dutchy by the

Name of the Coinage of Tin.

Before this Dutchy came to the Crown, the Dukes and Earls thereof had Royal Jurisdiction; but the Dutchy returning again to the Crown in the Reign of Edw. III. he, in the 11th Year of his Reign, created 11 Edw.III. Edward the Black Prince, his eldest Son, Duke of Cornwall, and settled the Dutchy after such special Manner by Act of Parliament, as that it should remain a Revenue to attend the Sons and Heirs apparent of the Crown

Crown of England, Dukes of Cornwall, for ever. The Black Prince was, at the Time of that Creation, under the Age of eight Years, and held the same very long, but dying before his Father, he lest Prince Richard his Grandsather, who was, in the 51st of Edw. III. his Grandsather, created Prince of Wales, and had likewise the Dukedom of Cornwall, and Earldom of Chester, given to him, and on Christmas-day following, caused him to sit at his Table above all his own Children, as representing the Personage of the Heir-apparent; no Son of the King, but his first begotten, shall be Duke of Cornwall, although he be Heir-Apparent to the Crown.

The Estate is limited to cease when the King hath no first begotten Son, and to revive when he hath, which cannot be without the Statute. The Charter of Creation of the Prince, Duke of Cornwall, the 11th of Edw. III. is an Act of Parliament; for such a Limitation to the first-begotten is void without Statute, for if the Grandfather be King, the Father Duke, and Son be, if the King die, the Father is King, and Son Duke, by the said Statute, against the Rules of Law. Vide the Prince's Case, 3d of King James I. in Cancell' Co. Rep. lib. 8. fo. 1.

THE

INTRODUCTION.

The Antient Customs of the Tinners, in the Reigns of King Henry VIII. and Queen Elizabeth.

The Manner of Bounding of Tin Works.

S the Wind purgeth and cleanfeth the Chaff, Duft, and other unprofitable Seeds from the pure Grain and Corn; even so the Water cleanseth and fineth the Tin from all mundick Ore, Gard, and other waste Matters, without which Water, no Tin can be purified; therefore Tinners covet to have always a River as nigh their Work as they can, for the Tin Works which they call Stream-Works; and perhaps between that Piece of Ground which they have, or intend to have, and the River, there may be seven or eight, more or less, divers Works; and every Work may lawfully bring their Water from the River, which the Tinners commonly call the Teo, without Denial or Contention; but this Con- vide the Charduit of Water must they fetch from the River, by a general ter, & aquas Order made amongst Tinners. The manner of bounding is, quarum ad most commonly, to make four Corner-Bounds, two at the Head operationes Stannar' diof the Work, and two more at the Tail, in cutting up three vertere ubic Turfs in every Corner, and so consequently their Side-Bounds quoties exc. and Head-Bounds, with three Turfs on every Place, one directly against the other, keeping their Order round about their faid Works; then they go the Teo, or River, and fetch home the Water which ferves this Work, or Piece of Ground, which they have bounded, to in making a By-Leat likewise under the the Grass, for the Water to run; under in the bringing out the Water from the *Yeo*, towards their By-Leat so made, they must make, as it were, a Conduit, with three Turfs, one Turf set over the said three Turfs for the Water to run out of the Yeo through the faid Conduit, which the Tinners commonly call a Tuell, and may properly descend from the Latin Word Tutela, for that it is a Fence and Preservation of all the Works that the Water runneth by, always the By-Leat is to fave them from being vacant. This Tuell may be made with Stone, as the

skilful Tinner knoweth. Now in observing this Order to bring out the Water through their Tuells, and fo under the Sword, or Grass, through their By-Leat, and from that conveyed closely, to the Work no Man can deny, although they convey the Water by twenty divers Tin Works, for if they should not obferve this prescribed Order, the Water running and flowing abroad at liberty, bringing Gard and Tails of Works, would make all these Works vacant; for the Custom is, that if Tails run into a Work, the Space of a Year and a Day, and not flopt out. then any other may take the Work, as vacant, and new bound it; this Order, as well in making Tuells, as also in renewing their Bounds, they must diligently observe and keep yearly, from time to time, Bound to Bounds, and most chiefly their Corner Bounds every Year upon their very Day of bounding; howbeit, some are of Opinion, that if they keep well their Corner Bounds, it is not greatly material for Side Bounds, two or more; thus with the Day of Bounding you may prevent and renew, before their Day of bounding limited, but then it is to be feared that if they break their antient Day, or accustomed Time, they cannot come to their old Day again, but must keep the very same day, which, if they overslip and come to their old Day, they may renew the Bounds of their Works as often as they lift. You may be resolved this Question by Tinners sworn at the Law-Day; for this finally be ye assured, that as the Owners do watch and observe diligently to keep their Works, and not to omit their appointed Day, for Fear of loing their Work; even so are the others, that apply all their Studies to find them negligent in renewing, by which means they get their Works from them, the Experience of which is daily feen; they fay also, that there is another Remedy, to fetch Water from the Leat of another Man's Work to fave your Work, and not to put his Work in Danger; that is, to pay a Farm to the Work from whence you take your Water for the Use of your Work. This I have let forth by way of Information, it being the Sense of an Author of a curious Manuscript, I now have in my Custody, writ in the Reign of Henry VIII.

Good working found between two Pair of Bounds.

If any Trouble do fall, as oftentimes it chanceth, that between two Pair of Bounds, there ariseth very good getting, uncertain to which of the two Works this rich Piece of Ground, so found, belongs: To pacify this Controversy, they draw a Line, or Cord, from one Corner Bounds to another, and by that Means to find out which of the two Pair of Bounds have best Right, but if the Piece of Ground be Triangle-wise, or with round Bounds, then they meet from side Bound to side Bound, and so by that Means is the Right tried.

A Tin Work bounded with two feveral Companies, the one not entring the Proclamation into the Court Books, and the last having his Proclamation entred.

Certain Owners of an antient Tin Work, whether negligently or willingly (is not faid) fuffered certain Tails to come into their Works, above the Space of one whole Year and a Day, and within that Space, never turned them out, as it was given in E. vidence, which is a Plain Forfeiture of a Tin Work; which Forfeiture being espied by other Tinners, they new bounded the fame; they make two Defaults more, the one is that they bounded the Tin Work, and the one the Tye, with one Pair of Tye, is meant Bounds, which (as Tinners fay) they may not do by the Cu Audit or Le-flow, for they should have set one Pair of Bounds upon the any work for Tin Work, and another upon the Tye: another Fault then carrying of was, for that they entred not the Proclamation in the Court was, for that they entred not the Proclamation in the Court Books, these Defaults, with other more, were espied by the Tinners which came to cut the second new Bounds upon the faid Tin Work, entring their Proclamation into the Court Books, in the next Court then enfuing, and so proceeding orderly then cometh the former Bounders and forbiddeth this Proclamation, entring their Action of Trespass against the latter Bounders, as the Order is, pre-supposing that the said latter bounders, such a Day and Time, had entred with Force upon their peaceable Possession of their Tin Work, pre-supposing Damage of a Hundred Pounds. The Defendant by Protestation faith, That neither the former Bounders had any Poffession in the faid Work, neither yet any Proclamation in Court, but for Answer faith, Not Guilty. This Tryal came to an Issue at a special Court holden upon the same Work, the Jury impannelled and sworn, passeth with the latter Bounders, that the said Work, as well for that they had made but one of Bounds about the Tye and the Tin Work, and for that they had entred no Proclama-tion in Court, as also for other Defects, but chiefly because they had not entred their Proclamation in Court, their Counfel, afledged, by way of Plea, that it was in their Election whether they would enter their Proclamation in Court or not, which was spoken by the Council, as 'tis set forth, for no Purpose, for that he must say something for his Fee: And 'tis further said by the same Author, that he had known a Tryal for the same Matter tried before one William Beere, Esq; Steward of the Stannaries, under the Lord Ruffell, being made Chief Warden of the Stannaries by the most Noble King Henry VIII. that when a Proclamation hath been entred in Court, he proceeded, calling the fame Proclamation at three several Courts then next ensuing, and, at the last Court, if no Man come to forbid the Proclamation, being fo required by the Party Plaintiff, taking 3 d. for his Fee, and up-

on the same, an Injunction granted out at the Request of the Bounder, directed to the Bailist of the Court, to avoid the old Owners from their Possession, and to put the new in Possession of their Work.

One having Right in a Tin Work, going about to deceive the rest

There hath been a Custom amongst Tinners, that whereas divers Owners are seized of, and in, one Tin Work together, one of the Owners goeth about to deceive all his Partners by Policy, bringing the Work vacant, to the Intent to bring the Work into his own Hands, or else into the Hands of the less Number of Owners; this Fellow entring in with the new Pitchers, his Work, by the Custom, bringeth in all the Residue of the old Owners; for if it can be proved that one old Owner have Right with the new Pitchers, the Right of that one old Owner bringeth in all the other; but now they have devised a Policy to bar this, for when the old Owner receiveth his Right with the new Pitchers, he cannot have the Right himself, but it shall be given to his Son, Daughter, or some other Friend of his, so that nothing shall be assigned to himself of all this Right; this, without doubt, is a very great Deceit, and of all other things worthy to be redressed, oftentimes they will not stick to give a good Report of their Right to a Gentleman, or a Lawyer, to support them in their crafty Dealings, which is very well prevented and looked to amongst the Tinners of Devon, for there if any one of them go about to defraud his Co-partners, and suffereth the Work to be lost, not giving his Fellows timely Warning thereof, then the Tinner going about his Deceit, shall straightway lose his Right in the said Work, to the Use of his Partners, and the new Pitcher shall forfeit 201. the one half to the Prince, and the other half to them that shall be so defrauded; if it be found by Verdict of twelve Men, and a Fieri Facias to be awarded, as well for the Prince as the Party, Vide Stannary Laws of Devon.

Laws Car. I. Artic. 17. & 19. fo. 41.

Whether if a Tinner missing his Day of renewing, finding his Fault after the Day, before any other come, may save his Work and Bounds.

If a Tinner do not renew his Bounds, within a Year and a Day, if he afterwards, finding his Fault, doth renew his old Bounds before any other, this faveth his Work although the Day be passed.

How long the Tails of a Tin Work, being turned out, must abide.

When a Tin Work is bounded, the Tinner must be circumspect, that he suffer no Tails of any other Tin Work to come in his Bounds, and that they continue not a Year and a Day; if they continue so long, then are his Bounds and his Works lest, and any other may pitch thereupon new Bounds, but if the old Owner can prove that he turned out the faid Tails within one Year and a Day, although the Tails continued out, not one Hour, he saveth his Work; for if the Custom should be otherwife, divers, by Craft, might lofe their Works, for then one Man watching to get another Man's Work, may cause Tails of any other Work to run into the Work that he pleaseth to make void, and watching upon the Owner of the Work, when he fpieth him turning out the faid Tails, and fo may turn them in again straightway, and by that Policy get the said Work into his own Hands and Possession.

Of two divers Bounds on one Tin Work; the one before the Work was vacant, and the other after: This Title was tried, the 8th of April, 1586. at a special Court holden for the Stannary of Blackmore.

In this present Year, 1586. a Variance happened between the Co-partners of a Tin Work; some went secretly about to save their Work, new bounded, and to bring it into such Strangers Hands as they might order, according to their Will and Pleasure; that whereas the Work was before time 16 or 18 Doles, they would bring it into half, by which means they might have the more Right to their own use, but in the Name of their Child, Brother, or other Friend; the Day of bounding was the 20th Day of Sept. 1586. which Day of bounding they would let flip, bringing their Tin Work vacant for want of re-The new Company attended diligently upon the faid vide Stannary 20th Day of September, and new bounded the Tin Work the Laws, made very same Day, being the Owners Day of bounding, where- 12th Char. I. Ariic, 19. so. as indeed the very Day was past, but the very Day of Tinners 42. by their Custom have always been a Year and a Day, (which Vide Artic. 35. Jacob II. Day followeth after the Year) and by this means the new Com- vide Stannary pany made the new Pitch one Day before the Work was void; Laws of Dea fubtile Tinner finding out this Fault, that the Bounds of the new Company were one Day before the Work was void, cometh the morrow after and casteth a second Pair of Bounds, at which Day the Work was void in very Deed, and fo by that means got the Work into their Hands from the old Owners and

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these other Pitchers, by reason that their Pitch was before their Work was void; thus the Partners of the old Owners, and these other Pitchers, by reason of their Pitch was before their Work was void; fo the Co-partners of the old Owners deceived their Fellows and themselves, and the new Bounders lost the Work likewise. This Title was tried at a Special Court holden for the Stannary of Blackmore, 1586.

How long a Man may keep his Work, without delivering of Toll Tin.

The Tinners report their Custom to be, that the first Year they may keep their Works by Bounds, in the second Year it behoveth them to bestow some Charge, and the third Year they must deliver Toll Tin within their said Bounds, and so maintain forth the Bounds by renewing, as before is mentioned.

If a Man lose his Bounds, whether he lose his Hatch that he is working in.

If the Owner of a Pair of Bounds lose his Bounds for want of renewing, having a Work, or Tin Hatch, working within his Bounds, the working is sufficient to fave the Hatch to his own Benefit; but the new Bounder may cut a Pair of Bounds round about his Hatch, that he shall work no broader, but he may work in Depth as far as he lift.

A Tinner entring his Tin Work bounded into the Court Books.

The antient Custom hath been, time out of mind, that after the Tinner hath pitched Bounds upon the Piece of Ground that he hath taken vacant, it behoveth him straightway, at the next Court, holden within the Stannary where the Work is, to enter his faid Work upon the Court Books, to the Intent that there it may be proclaimed by three Proclamations, at three feof Blackmore, veral Stannary Courts following, calling the faid Work as well by his old Name, as also by the new Name, for that it shall be manifestly known by the Court what Work it was that he hath renewed.

of a Proclamation, for the Stannaries What Measures they have in the Stannary of Blackmore to All the before refining is made into measure their Black Tin. Black Tin.

The Tinners of Blackmore most commonly have two Meafures to measure their Black Tin, (viz.) a Foot Measure, and a Quart Measure, which they commonly call a foot Fatt; the Vide Article Quart is the fourth Part of the Foot; both of thefe are used at Vi. Stammery every Delivery of a Wash made of Black Tin, the Foot Meafure for this Purpose; first, they set abroad their Tin with the Foot Fatt to every Tinner's Portion, and when, in meteing of the Tin, it falleth out to be so little in Quantity at the latter End, it cannot be answered to every one a Foot of Tin, then they mete about the Residue of the Tin with their little Measure, being a Quart.

Arresting Tin that is in Strife, between Party and Party.

The Bailiff of the Stannary, or else the Toller in the Bailiff's Absence, have full Power and Authority to arrest any Black Tin being in Strife between Party and Party, and being upon the Sheet ready to be delivered, and the fame to commit to honest and indifferent Persons to be safely kept, until the Contention between the faid Parties be pacified, but if it happen to be long determining by Trial, the Bailiff, or the Toller, upon the Request of either Party, may return the Arrest the fooner into the Court Books.

The Custom of the Toller not coming to his Hour, at the Delivery of Black Tin.

When the Tinner hath purified his Tin, and brought it to the Sheet, in Readiness to be delivered, it behoveth him to give lawful Warning to the Toller, one or two Days before he intend to make his Wash, or more or less according to the Place of the Toller's Habitation; so that if the Toller assent to an Hour and come not, then the said Timer, or Timers, may lawfully proceed in meteing, or measuring, their said Tim; and when the Toller cometh, then to set the Tin Turf there to termain till the Toller's Coming for it; this is a Custom has remain till the Toller's Coming for it; this is a Cuftom, because the Owners of Blowing-Houses may sustain great Loss for want of Black Tin to serve his Hearth, but this being now remedied, Blowing-Houses are of little or no use.

The Fees of the Goal.

Amongst other Things it may not be amiss to set forth the lamentable Case of the poor Prisoners, remaining in the Goal, or abroad at many Prisons in the Goaler's Custody. At the Law Court holden for Blackmore, in the 28th of April, Anno Dom. Tempore Eliz. 1586. a Question was preferred to the Jurates, being the chief Customers of Tinners sworn for the Queen at that Court, to be resolved by their Verdict, what the Fees of the Goal ought to be paid at the bringing in of a Prisoner; presented in their Answer, that the Keeper ought to have at the bringing in of a Prisoner 6 d. and every Day he remaineth in the Goal at the Keeper's finding 4 d. every Day the Prisoner goeth at large, at the Keeper's finding, 5 d. but if the Prisoner list to find himself at large in the Town, giving Surety to the Keeper for his true Imprisonment, nothing; but if the Prisoner will be at his own finding, in this Case, the Goaler ought to have nothing but his Goal Fees, 6 d. which he paid at his coming in.

Of a Spallier for working for another, whether he ought to be impleaded.

No Man ought to commence, or profecute, any Action in the Stannary Court against a Spallier, or poor Workman, which worketh in another's Right in the Tin Work, being in Strife, but he always ought to take his Remedy by Action against the Owner of the Right.

No Tinner, for Tin Matters, ought to affent to the Tryal of the Same in a foreign Court.

If any Tinner do voluntary appear in a foreign Court, for Matters determinable in the Stannary Court, and standing there to his Tryal, without pleading the accustomed Plea of Tinners, he ought to be presented in the Stannary Court, and to pay a Fine for his said Offence; and for form sake, I have before set forth a Tinner's Answer in a foreign Court, to be impleaded in bar of the said Action laid against him.

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No Replevin ought to be fued out of the Stannary Court for Tin Caules.

Not only Tinners, but also Foreigners ought, by the Custom of Tinners, to Sue out their Replevins at the Hands of the Lord Warden of the Stannary, or his Deputy, in the Stannary Court where the Matter is Determinable, the doers of the contrary ought to be presented in the faid Stannary Court for the Breach of the Custom.

Of Nichils in the Court, and a Distringas.

Concerning Nichils in the Stannary Court, this hath been the old, antient Order, that when the Action is entered into the Court, the Bailiff be asked, whether the Defendant be fufficient to answer the Plaintiff of his demand; if able, the Bailiff then taking 6 d. for his Fees, he must Warn the Defendant at the Court ensuing, but making Default, a Distringas is granted against him to Distrain his Goods, to bring him into Court then next after the Distringus so granted out, to Answer the Plaintiff in his Action, the Plaintiff always paying to the Court for his Process 6 d. and to the Bailiff for serving it 6 d. If the Defendant do again make Default in anfwering, the Plaintiff then issueth out an Alias Distringas, and fo consequently, a Plures Distringas, always doubling the Amerciaments, with Distringas thereupon granted, untill the Defendant come to Answer as the Steward thinketh good, to fet upon the Defendant, for his great Contumacy; if the Bailiff thinketh the Defendant not sufficient to Answer the Plaintiff in his Action, then doth he Nichil the Defendant; whereupon there issueth out a Writ, which is called, a Warrant to Ar- Vide the Warrest the Defendant by the Body, compelling him to give Suere- rans. Fol. 173. ties to Answer the Plaintiff his Demand. Now forafmuch as the Bailiffs having their Processes delivered to them to Arrest the Defendant, for the most Part do not observe truly the Tenor of their Process, therefore I have thought fit to touch on The Words of their Process are, That they should bring the Defendant before the Steward, there to take Surety to Answer the Plaintiff; which although it be mentioned in the Writ, yet they omit to do, taking Sureties themselves; this hath been always used and followed Time out of Mind, as well of the Steward, as of the Plaintiff and Defendant; and upon the Oath of the Bailiff, being Sworn at the Court then next following, that he arrested the Defendant by the Body, whereupon such a Man, and such, became the Defendant's Sureties, that he should personally appear, meaning his Sureties, and to Answer the said Plaintiss, in his said Action. Now if

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the Defendant come not personally, at any one Court of three Courts then next following, and Answer the Plaintiff his due Debt, together with Damage, Costs, and Charges, which shall be taxed by two indifferent Tinners in the Court, presently to be returned, for the doing whereof, the Steward maketh out a Fieri Facias, as well against the Defendant as his Sureties, for the Satisfaction of the Debt to the Plaintiff, together with his Expence and Damage besides; the Form of which Distringas I have set forth, and the Warrant against him that is annichilled, and the Form of the Writ of Fieri Facias. Vide Fol. 167.

A Tinner seized of a Right in a Tin-work one Year and a Day peaceably, cannot be amoved but by Law only.

If any Person or Persons be peaceably seized and possessed of a Tin-work, or any Part of a Tin-work, by the Space of one Year and a Day, no Man ought, by the Custom, to enter upon the said Right, be his Title never so good, until the said Title be fully tried and determined between the said Parties, by Order of the Lord Warden, or his Deputy of the Stannaries, who shall grant his snjunction upon a Plaint by him to the Party grieved. Vide Declaration of Trespass for that Purpose set forth. Fol. 171.

Freehold pleaded in Court to Bar the Plaintiff of his Action.

If any Action of Trespass be brought by any Tinner for a Trespass done in his Ground, and the Desendant coming into the Court pleadeth in Bar of the Action, that the Place whereas the Trespass is supposed to be done, is his Freehold, or else the Freehold of another Person, and prayeth to be dismissed, the Steward in this Case shall give him a Day at the next Court, to bring his Writing, or the Writing of him who he supposeth the Freehold to be, or credible Witnesses, that he, or the Person in whom he supposeth the Freehold to be, were seized of the Freehold at the Time of the Trespass against him supposed, whereby the Freehold may appear to him or them; that then upon these Proofs made, the Desendant shall be dismissed at the Discretion of the Steward, if not, to make Answer at his Peril

Right of Tin-works descendeth to the Executors.

If any Man die possessed of Tin-works or Tin-bounds, as by the Laws of the Realm, the Freehold always descendent to his Heirs, but the Freehold of Tin-works, &c. goeth to the Executors, &c.

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The Fees of Bailiffs Serving Process in the Stannary Courts.

Any Bailiffs of the Stannaries ought not to take of any Prisoner being arrested, more than 6 d. whether it be the chief Bailiff, or the special Bailiff, and that whether he be a Tinner or a Foreigner.

The Method to be used for collecting of Money for the Confirmation of the Charter of Tinners, or other Duties concerning the same.

When a Collection, or Sum of Money is to be raifed, for the Confirmation of the Charter of Tinners, or for Redrefs of Causes touching Stannary Matters, this hath been the only way; the Lord Warden, Vice Warden, Deputy, or Substitute, being moved unto this Collection by Request of the Tinners, causeth Precepts to be sent to the Constables of every feveral Parish where Tinners are inhabiting, commanding them to be at the next Stannary Court of their Division, and then and there to bring a true Certificate by Writing, of every Worker, Spallier, Labourer, or medler with Tin of the Parish; this Certificate being diligently brought, then by Conference together of the Officers of the four Stannaries amongst themselves, they consider how much the Sum ought to be collected, and confidering likewise how this Sum ought to be raifed, whether by Two-pence every Tinner, more or less; then are the Constables of every Parish commanded to gather it up, and bring it to the Hands of one appointed to receive it, at fuch a Day, and Time, and Place, according to the Exigence of the Cause. There hath been another way, (that is) a Duty to be laid on every Block of Tin brought to the Coinage, which is said to be the most surest way; and in raising of this Duty, the Receiver of the Dutchy of Cornwal must be made privy hereto, to whose Hands all the Bills of Tin do come, who in receiving the Prince's Duties of Tin, receiveth likewise this Ratement.

The Supplication of Richard, Prince of Wales, and Duke of Cornwal, (translated from the French into English) to King Edward III.

MOST humbly complaineth your Son Richard Prince of Wales, to our Sovereign Lord the King, that whereas his loving Father Lord Edward, late Prince of Wales, whom God hath called to his Mercy, was feized and in Possession of the Stannaries of Cornwal and Devon, together with certain Franchises and Liberties appertaining to the said Stannaries,

fome by Charter granted by Kings, and some by common Right, and some by Usage and Custom used out of Time of Memory of Man, until at the Parliament holden at Westminster last, before the Petition was made, to have an Exposition made of the said Charters granted, touching the said Franchises, Liberties, and Usages, without that our said Lord and Father, neither any other in the behalf of him, nor yet in the behalf of the Tinners being called to the hearing of the said Declaration or Exposition, the which is holden to the great Disheriting and Damage of the said Richard, contrary to all Law and Reason, if Redress thereof be not had; whereupon the said Richard do make Supplication, that it would please our Sovereign Lord the King, to frustrate and annul the said Exposition, intending, verifying, and upholding, that the same was erroneously made, as before is said; and thereupon, that our Sovereign Lord the King would restore the said Richard in Possession Lord the King would restore the said Richard in Possession of his said Franchises, Liberties, and Usages, after the Manner that Tinners have used in the Stannaries of old Time, as is aforesaid.

N. B. The aforesaid Sheets I found in an antient Manuscript, carefully preserved, writ in Henry VIII's Time; the Records of those Laws then and before made, were all burnt in the Grand Rebellion in King Charles I's Time, at which Time the Prince's Exchequer at Lostwithiel, was plundered and burnt.

THE

Laws and Customs

OF THE

STANNARIES

CORNWALL.

The Charter of EDWARD I. being the first Charter for erecting the TINNER sof Cornwall and Devon into a Corporation.

DWARDUS Dei Gratia Rex Angla, Dominus Hibernia, & Dux Aquitaniæ, &c. Salutem; Sciatis quod nos ad emendationem Stannariarum nostrarum in Com' Cornub. & ad Tranquilitatem & Utilitatem nostrorum Stannator' præd' earundem, concessisse pro nobis & hæredibus nostris, quod omnes Stannatores præd' operantes in Stannariis illis quæ sunt Dominica nostra dum operantur in eisdem Stannar' sint liberi & quieti de placitis nativorum, & de omnibus placitis & querelis curiam nostram, & hæred' nostrorum, quoque modo tangen'. Ita quod non respondeant coram aliquibus justiciar' vel ministris nostris seu hæred' nostrorum de aliquo placito seu querela infra præd' Stannar' emergent nisi coram custode nostro Stannaria- Pleas of Land, rum nostrar' præd' qui pro tempore suerint (exceptis placitis terræ bers are exvitæ & membror') nec recedant ab operationibus suis per summoni- esped. tionem alicujus ministrorum nostrorum, seu hæred nostror nisi Rot. Cart. 20 per summonitionem dicti Custodis nostri: Et quod quieti sint de in Turre omnibus Tallagiis, Theoloniis, Stallagiis, Auxiliis, & aliis custu-Londini. Tedere & mis quibuscunque in villis, portubus, teriis, & mercatis infra comifundere tat. præd' de bonis fuis propriis. Concessimus etiam eisdem Stana- Stannum, was toribus, † quod fodere possint Stannum & turbas ad Stannum funin Land of
dendum ubique in terris, moris, & vastis nostris, & aliorum quosubjet, as of
rumcunque in Com' præd' & aquas & Cursus aquarum ad operatithe Prince.

B ones fo. 11.

ones Stannar' præd' divertere ubi & quoties opus fuerit : & emere Buscam ad functuram Stanni, sicut antiquitus fieri consuevit, sine impedimento nostri vel hæred' nostrorum Episcoporum, Abbatum Priorum, Comitum, Baronum, seu aliorum quorumcunque. Et quod custos noster præd' vel ejus locum tenens, teneat omnia placita inter Stannator' præd' emergentia, & etiam inter ipsos & alios forinsecos de omnibus transgressionibus, querelis & Contractibus factis in locis in quibus operantur infra Stannar' præd' similiter emergent'. Et quod idem custos habeat plenam potestatem ad Stannarios præd' & alios forinsecos in hujumodi placitis justiciand', & partibus justitiam faciendum, prout justum & hactenus in Stannariis illis fuerit usitatum. Et siqui Stannator' præd' in aliquo deliquerint per quod incarcerari debent, per Custodem præd' Arestentur, & in Prisona nostra de Lostwithiell & non alibi custodeantur, & detineantur quousque. Secundum Legem & Consuetudinem Regni nostri deliberentur; Et si aliqui Stannator' præd' super aliquo sacto infra Curiam præd' non tangente Stannar' præd' se posuerint in in-quisitionem patriæ; una Medietas jurator' Inquisitionis hujusmodi sit de Stannator' præd' & alia Medietas de forinsecis, si de sacto totaliter tangent Stannar' præd' fiant Inquisitiones sicut hactenus sieri consueverint. Et si quis eorundem Stannator sugitivus suerit, vel utlegatus, vel aliquod delictum suerit proquo catalla sua amittere debeat, catella illa per Custodem præd' & Coronatorem nostrum Com' præd' apprecientur, & per ipsos proximis villatis liberentur ad respondendum inde nobis & hæredibus nostris; Coram justiciar' itinerantibus in Com. præd' Volumus insuper & sirmiter præcipimus quod totum Stannum, tam album quam nigrum, ubicunque inventum, & operatum fuerit in Com' præd', ponderetur apud Lostwithiell, Bodmynian, Liskerret, Threnerne, vel Helstone, per pondera nostra ad hoc ordinata & signat', sub forisfactura totius Stanni, præd'; et quod totum illud Stannum coignetur in eisdem villis singulis coram custode præd'ante diem Sancti Michael' in Septembr' sub forisfactura præd'. Et concessimus pro nobis & hæred' nostris quod omnes Stannator' nostri præd' totum Stannum suum sic ponderatum licite vendere possint cuicunque voluerint in villis præd'. faciendo inde nobis & Hæredibus nostris Coignagium & al' Confuetudines debitas & usitatas nisi nos vel Hæredes nostri Stannum illud emere voluerimus.

Quare Volumus & firme precipimus pro nobis & Hæredibus nostris quod Stannatores præd' nostri habeant omnes Libertates liberas
Consuetudines & quietantias supra scriptas, & quod eis, sine occasione vel Impedimento nostri vel Hæredum nostrum, justic' Escaetor'
vicecomit', aut al' Ballivor' seu Ministror' nostror' quorumcunque
rationabiliter gaudeant & utantur in forma præd' iis testibus venerabilibus patribus, W. Coventry & Litchfield, S. Sarum, & J. Carlisse,
Episcopis; Henric'.de Lacy Com' Lincoln, Rad' de Monte Hermer,
Com' Gloster' & Hertsord; Humphrido de Bohun, Com' Heresord,
& Essex, Adomaro de Valencia, Hughone le de Spencer, Joh' de
Hasting, & aliis, dat' per man' nostram apud Westm' decimo die

April' &c.

A COPY of the aforesaid CHARTER in English.

DWARD by the Grace of God, King of England, and Lord of Ireland, and Duke of Acquitane, &c. To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, and all Bayliffs, and all his faithful Subjects, Greeting. Know ye that we, for the Amendment of our Stannaries in the County of Cornwall, and for the quiet Profit of our Tinners aforesaid in the same, have granted for us and for our Heirs, That all Tinners aforesaid, working in those Stannaries which are our Demesne, so long as they work in the same Stannaries, be free and quit from all Pleas of Villany, also from all Pleas and Plaints of our Court, and of our Heirs, in what manner foever touching, fo that they shall not answer before any of our Justices or Ministers, or of our Heirs, for any Plea or Plaint granted within our Stannaries aforesaid, for the Time being, (Pleas of Land, Life or Pleas of Land, Limb excepted) nor that they depart from their Works by Sum- Life or Lin mons of any of the Officers of us or our Heirs, but by the Sum- are excepted. mons of our faid Warden, and that they be quit from all Tallages, Tolls, Stallages, Aids, and other Customs whatsoever, for their own proper Goods in the Towns, Ports, Fairs, and Markets, within the County aforesaid: We have granted also to the same Tinners, that they may dig Tin and Turf for melting of Tin, every where in May dig Tin our Lands, Moors, and Wastes, and of all other Persons whatsomelting Tin a melting Tin a same foresaid, and to turn where and so often as melting Tin a ever in the County aforesaid; and to turn where, and so often as ny where in the need shall require, the Waters and Water-Courses for the working of Prince's Land, the Stannaries aforesaid, and to buy Bushments for the melting of other Prince's Land, as of old time have been accustomed to be done without Let whatsoever of Us, our Heirs, Bishops, Abbots, Priors, Earls, Barons, and all the Judger. other Persons whatsoever; and that our Warden aforesaid, or his Lieutenant, hold all Pleas growing between the Tinners aforesaid, and also between them and other Foreigners, of all Trespasses, Plaints and Contracts in Places where they work in the Stannaries aforesaid, likewise arising: And that the same Warden have full Power to justifie the Tinners aforesaid, and all other Foreigners in fuch Pleas, and to do Justice to the Parties, as Justice requireth, as heretofore in the faid Stannaries hath been accustomed; and if any of the faid Tinners in any thing shall offend whereby they ought to be Imprisoned, that they be Arrested by the Warden, and be kept in our Prison of Lostwithiell, and not elsewhere, and there detained untill they be delivered according to the Law and Custom of our Realm; and if any of the Tinners aforesaid, upon any Fault within the Court aforesaid, not touching the Stannaries aforesaid, shall put himself upon any Inquiry, one Half of such Inquest shall be of the Tinners aforesaid, and the other Half of Foreigners; and of Fact altogether touching the Stannaries aforesaid, the Inquest to be made

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as heretofore they have been accustomed; and if any of the said Tinners be Fugitive or Out-lawed, or commit any Offence, for which he ought to lose his Cattel, the Cattel aforesaid be appraised by the Warden aforesaid, and our Coroner of the said County; and by them to the next Village be delivered, to answer to Us and our Heirs, before the Justices itinerant in the County aforesaid. Furthermore, we will and straightly command, that all Tin, as well White as Black, wherefoever it shall be found and wrought in the County aforesaid, be weighed at Lostwithiell, Bodmyn, Liskerrell, Truroe, or Helstone, by our Weights thereunto ordained and made, under the Forseiture of all the Tin as aforesaid: And that all Tin be coined in the same Towns yearly before the said Warden, before the Day of Saint Michael in September, under the Forfeiture aforesaid. have granted also for Us and our Heirs, that all our Tinners aforesaid, all their Tin weighed, may lawfully Sell to whom they will, in the Towns aforesaid, doing thereof to Us and our Heirs the Coinage, and other the Customs due and used, except We and our Heirs will buy the Tin our felves; wherefore We will and straightly command, for Us and our Heirs, that our Tinners aforesaid, have all Liberty, free Customs and Covenants above written, and that the same, without Let or Impeachment of Us, our Heirs, Juslices, Escheators, Sheriffs, or other our Bailiffs or Ministers whatfoever, they reasonably enjoy and use in Form aforesaid: These being Witnesses, the Worshipful Fathers, William Bishop of Coventry and Litchfield, S. Bishop of Salisbury, and Jo. Bishop of Carlisle; Lacy Earl of Lincoln; Ralph of Mount Horiner, Earl of Gloucester; and Humphry Bohun, Earl of Hereford and Essex; Adona of Valence; Hugh Despon; Sir Jos. Hastings, and others. Given by our Hands at Westminster, the Tenth Day of April, in the Thirty third Year of our Reign.

There were Two several Charters bearing Date the same Day; the one ad Emendation' Stannar' in Com' Cornub'; and the other ad Emendation' Stannar' in Com' Devon', dated the Tenth of April,

in the Thirty third Year of Ed. I.

50 Ed. 3.

of the Tinners of Cornwall and Devon.

These Charters were allowed by Parliament 35 Ed. I. the like Ed. 1. 17 Ed. in 1 Ed. III. & 17 Ed. III. An Exposition of the said Charter was made in Parliament 50 Ed. III. hereafter set forth; The Commons of the County of Cornwall, for divers Oppressions done by The Prayer of the Officers of the Stannaries, by Colour of their Privileges and Liberties, require the King by Parliament, to explain the Grant to them made; Which being in French, have translated into English, with the King's Answer, Article by Article.

The like did the Commons of Devon exhibit for their Liberties, agreeing in Grant and Answer, as above, which is as follows: Confirmed 3 Ed. IV. A Charter of Pardon granted by Hen. VII. to all the Tinners; confirmed 1 Ed. VI. 1 & 2 P. & M. & 20 Eliz.

The faid Charter was confirmed to the Tinners of Devon de verbo in verbo, Ann. 4 Ed. II. Ann. 17 Ed. III. 1 Ed. IV. & 3 Hen. VII.

The Declaration, Limitation and Exposition of the said Charter of 33 Ed. I. that was made in Parliament in Ann. 50 Ed. III. but never Printed before. Translated from the French.

O our most Excellent Lord the King, this Petition in behalf of the Commonalty of the County of Cornwall, that he would be pleased, by the Advice of his Clergy, Earls, Barons, and other wise Men in this present Parliament, to order that some Remedy may be put to the many Extortions, Oppressions and Grievances that are from day to day put in practice, and hath for a long time been so practised by the Tinners and the Officers of the Stannaries, as well as by the Lords and others, to the prejudice of the faid Commonalty, under colour of the Franchizes to them granted by the Charter, from our Lord the King, and from his Predecessors, contrary to the Law and the Intention of the said Charters, and by their evil Interpretation of the faid Charters, and that the faid Charters, and all the Franchizes in them comprehended, may be read and declared Article by Article, fo that the Commonalty of the faid County may fully and directly understand the Contents thereof, and that the said Declarations may be recorded, and if there should be any Article in the said Charters that relate to the Customs and Uses, that our faid Lord the King would be pleased in a short time to order and command sufficient Judges, Gentlemen, and others learned in the Law, in such behalfs, to enquire into the said Customs and Uses, and that they may have power to hear and determine concerning all the Conspiracies, Confederacies and Alliances, Plots, Extortions, Oppressions, Grievances, Falsities, and Maintenances, which they the said Tinners, and their Officers have committed against the said Commonalty, where any of them may complain, if he please; to which end also, the King being a Party concerned, it being to be understood, that our Lord the King will be a great Gainer; and on the other part, if there be no Remedy put to it at this present, they will in a short time daily go on grinding, disinheriting and destroying them, which God forbid. The Tenor of any of the Articles in the said Charters that there is occasion for an Explanation of, be it understood, as follows, viz.

"Sciatis nos ad emendation' Stannariar' nostrar' in Com' Cornab' Imprimir. " ad tranquilitatem & utilitatem Stannator' nostrorum præd' earun-" dem, concessisse pro nobis & Hæredibus nostris quod omnes " Stannatores præd' operantes in Stannar' illis, quæ sunt Dominica " nostra dum operantur in eisdem Stannar' liberi sint & quieti de placitis Nativorum, & de omnibus placitis & Querelis Curiam nostram & Hæredum nostrorum qualitercunq; tangentibus, ita " quod non respondeant quorum aliquibus Justiciariis vel Ministris

"nostris seu Hæredum nostrorum de aliquo placito seu Querela,
infra præd' Stannar' emergen' nisi coram Custode nostro Stannar' nostrar' præd' qui pro tempore suerit, (exceptis placitis Terræ, Vitæ & Membror') nec non recedant ab operationibus suis
per Summonitionem alicujus Ministrorum nostrorum seu Hæredum nostrorum nisi per Summonitionem diæ Custodis nostri, &
quod quieti sint de omnibus Tallagiis, Theoloniis, Stallagiis,
Auxiliis, & aliis Custumis quibuscunq; in Villis, portubus, Feriis

'& Mercatis infra Com' præd' de bonis suis propriis, &c.
Whereupon be pleased to declare, if any other Persons besides the

Whereupon be pleased to declare, if any other Persons besides the Tinners, working in the said Stannaries, shall have and enjoy the Franchizes granted by the King in the said Charter, and as also the said Charter implies, "Quod omnes Stannator præd operantes in "Stannar illis sint liberi, &c." And other Persons than the Working Tinners, that is to be understood, their Masters that hire them, and their Servants and others claiming also the said Freedom; and moreover, please to declare, if the said Working Tinners shall enjoy the Franchizes at any other time than while they are working in the said Tin Works; as also the said Charter implies, "Dum operant ur in eisdem Stannariis liberi sint, &c.

In right of the faid Words, "Operantes in Stannar' illis, & dum operantur in eisdem, Stannar," they are clearly to be understood, de Operariis Laborantibus duntaxat in Stannar' illis fine Fraude

" & dolo & non de aliis nec alibi Laborantibus.

Item, Let it be declared, if also the Working Tinners shall enjoy those Franchizes, so as they enjoyed them at the time even in the Demene which did belong to the King his Grandfather, who is now our prefent Lord the King: The which King, Grandfather, did grant to them the faid Charter at the time when he granted them the faid Franchizes; as also the said Charter implies, "Quod omnes " Stannator' præd' operantes in Stannar' illis, quæ funt Dominica " nostra, dum operantur in eisdem Stannar' fint liberi, &c." And they claim to have Right that they shall work in other Places, as well as in the faid Demesne of the King Grandfather, in right of the faid Article, for that there is another Article in the faid Charter, that gives them Leave and Licence to dig "in Terris, Moris, " & vastis ipsius Dom' Regis & alior' quorumcunq; in Com' præd' & aquas & Cursus aquar' ad operantes Stannariar' præd' divertere " ubi & quoties opus fuerit, & emere Buscam ad functarum Stanni " ficut antiquitus fieri consuevit, fine Impedimento Dom' Regis " Hæred' suorum, Episcopor', Abbatum, Comitum, Baronum, seu

"alior' quorumcunq;, &c.

It seems to be a very necessary thing in this Case, that their Customs and Uses be enquired into, and that the Warden of the Tin-Work have a Charge, that he do not permit any Tinner in the said Tin-Work, to dig in any Medow-Land, nor Woods, nor to feek among Woods, or among Houses, nor disturb Waters, or any Running Waters out of Malice. And if it should so happen, that the said Warden should make any Excuse, that the said Tinners will not obey his said Orders, nor cease their malicious Doings for him,

that

that then immediately Complaint shall be made to the King and

Council, and due and hafty Remedy shall be ordered.

Item, That it be in a special manner declared, that those Judges that shall be now assigned to go those Circuits, to make the said Enquiry, take the listue of the County, if there is any, between Party and Party; and how that Article foregoing, concerning the Customs and Uses has been executed before the said Charter of the King Grandsather was made, and by what People the said Issue shall be tried, (that is to say) the which by Foreigners only, or by Tinners only, or by both, &c.

In right of the said Article, that the Advice of the Grand Council be taken thereupon, and that the Records in Eyre be there, if there be any, and other Evidences and Remembrances of the Kings Treasury, and elsewhere, and then, and also the Remembrances of the Lords, which shall be at that time searched and duly examined: And also the Books and Evidences which the said Tinners have, be viewed and narrowly enquired into, thereby we may the bet-

ter come to the Knowledge of the right Truth.

Item, Let it be declared, whether the Warden of the Stannary can decide any Cause between Tinner and Foreigner, upon any Dispute arising otherwise than in those Places where they are at work, as the said Charter implies, "Quod Custos noster præd' vel ejus locum tenens teneat omnia placita inter Stannator præd' emergent, & etiam inter ipsos & alios forinsecos de omnibus Transgressionibus, Querelis & Contractibus factis in locis in quibus operantur insta Stannar præd' similiter emergent, &c." Wherefore he is to decide the Cause of such Disputes as shall arise between such Persons as are both of the same County.

In right of this Article, if they have extended the Jurisdiction clearly, according to the Words of the said Charter (that is to say) "In locis ubi iidem operarii operantur," and not otherwhere, and

in no other manner.

Item, Be pleased to declare upon what the said Charter implies, albeit, "Et si qui Stannator' præd' in aliquo deliquerint per quod in carcerari debeant, per Custod' præd' arrestentur, & in prisona nostra de Lostwithiell, & non alibi detineantur, quousque fecundem Legem & consuetudinem Regni nostri deliberentur." And in this case, that a Tinner be taken for Felony, and delivered to the Warden, he is very often suffered to go at large, from whence much Danger hath many times happened, and also from there not being a Delivery of the said Goal not above once in Ten Years. And that which is worse, by colour of this same Article, the said Warden takes those that are imprisoned for Arrears of Accounts out of other Prisons, and sends them to Lostwithiell, where they are so much savoured, that they never care whether they come to any Agreement with their Lord.

As to this Article, let it be with all Diligence enquired into, before those Judges that now next of all shall be assigned, that they enquire by what Authority they do it; albeit, since in the said Charter they are excepted in Special, all Suits of Lands, and of Life, and of Members, and that the Return of that Enquiry be declared in Special, if there be occasion.

Upon which a Commission did issue under the great Seal, to enquire what was the Rights and Privileges of the Stannaries, vide

flitut. 4 Inftitut. Fo. 235.

Upon the Return of which Commission, the Commons of the County of Devon, desired, that the Commission touching the Customs of the Stannaries being now done in Chancery, the rest of the Liberties of the Stannaries might be declared according to the Promise of the last Parliament, and that the same be made Letters Patents.

Richard Prince of Wales, prayeth, that the Declaration made in the last Parliament, as touching the Stannaries in Devon and Cornwall, may be revoked, considering the same was made, the Prince, nor any of his Council, or any other the Officers being called or made privy thereto.

The County of Devon did then pray, that in regard the Customs were then thought hurtful to the Profits of the Prince, that they might answer thereto.

The King and Princes Council answers, That the Circumstance of the Petition shall be examined by the Council of the King and Prince, and thereupon Order shall be taken.

Which faid Charter so declared, was in the 8th of Richard II. (when King) ordered to be put in execution.

Commissions fet forth at large in the 4th Institut. Fo. 235.

51 Ed. 3.

51 Ed. 3.

51 Ed. 3.

8 Rich, 2.

The several Laws and Constitutions made during the Reign of King JAMES I.

HEREAS the Right Honourable William Earl of Pembroke, Lord Chamberlain of his Majesty's Houshold, Lord Warden of the Stannaries of Devon and Cornwall, Steward of the Dutchy of Cornwall, Knight of the Noble Order of the Garter, and one of his Majesty's most Honourable Privy Council, intending to uphold the Stannaries, and the Laws Customs, Liberties and Privileges belonging to the faid Stannaries, not being contrary or repugnant to the Laws and Statutes of this Realm of England, hath by his honourable Letters of Command, bearing Date the 17th of June, Anno Dom' 1624, from White-Hall, required William Corrington, Esq; being his Deputy-Warden within this County of Cornwall, to give Orders to four Mayors of the County of Cornwall, for the fummoning of Twenty four of the most sufficient Stannators, according to the ancient and laudable Customs. And thereupon the faid William Corrington, by his Warrant accordingly given to the four faid Mayors (viz. Lanceston, Lostwithiell, Truroe, and Helftone) did require the faid Mayors, and their Council, to return fix of the most able and sufficient Stannators of the four Stannaries to appear at Lostwithiell, to Consult, Enquire, and take into their Confideration, Mildemeanours, and the feveral Errors in the feveral Courts, as also the feveral Defects and Abuses of Tin and Tinners in general, and likewise for the replenishing of all ancient Customs and Privileges, with their Continuance of Time, as their ancient Charters have confirmed unto them; and upon mature Deliberation to refolve upon fuch Orders, as in their Judgments shall be thought expedient, for the redressing and amending of any Inconveniencies or Abuses within the Stannaries, and to reduce things in question and doubtful (touching Liberties and Customs) to a Certainty. Upon which Command the faid Mayors having returned, and upon their feveral Precepts warned for the Stannary of Foy More these six, viz. Emanuel Langford, Esq; John Beere, Esq; George Collins, Gent. Edmond Kneebone, Gent. Robert Condon, Gent. and Richard Lobb, Gent. For the Stannary of Black More these fix, Thomas Hacer, Esq; Nicholas Saule, Esq; Thomas Hoblyn, Esq; Nicholas Kendal, Esq; Thomas Hoblyn, jun. Esq; and William Hambly, Gent. For the Stannary of Tywarnbayle, Nicholas Borlase, Esq; Thomas Polwheele, Esq; William Cather, Gent. James Daniel, Gent. Alexander Polkinborne, Gent. and John Hankarrow, Gent. For the Stannary of Penwith and Kirrier, Ezekiel Gro-fie, Esq; William Robinson, Gent. Thomas Flamack, Gent. Thomas Edwards, Gent. Edward Spernon, Gent. and John Guavas, Gent. Who affembled themselves together at Lostwithiell aforesaid (by Vertue of the Directions) the 28th of September, in the Thirty fecond Year of the Reign of our Soveraign Lord King James the

Chart. Ed. 1. First, did find and affirm the Charter granted by King Edward the the first Char-First, in the Thirty third Year of his Majesty's Reign, unto the Tinners of Corn-ners of this County, to be the first Grant made by any of the Kings wall; of England, by any Record we have yet found; and also that in and in the the Thiry third Year of the Reign of Henry the Seventh, there was

33d Hen. 7. a Charter of Pardon granted to the Tinners, and to all of this Chart. Pardon. County; in which Charter there was contained a further Grant to the aforesaid Tinners, and to all that intermeddle with Tin; That from thenceforth no Laws or Ordinances should be by the King's Majesty, or by the Prince, nor by either of the Council, in Prejujudice or Charging of the Stannaries, except Twenty four good and lawful Men, viz. Six of every Stannary where they were warned or called thereto, and there to give their Affent and Confent, as by

the faid Charter more plainly appeareth.

We therefore being here affembled according to our ancient and laudable Customs, by Vertue of the Directions aforesaid, have thought fit, with the full Consent and Agreement of every one of us, the afore-named Twenty four, to fet down, constitute, ordain, and appoint certain Orders containing our ancient and laudable Customs, meet and needful to be had in continual Remembrance, for the good Ordering and Government of the faid Stannaries, and also of fuch Orders as are necessary for Reformation, and crept into the fame, and in the Offices of the faid Courts, and in regard of the length of Time fince any Meeting or Convocation hath been had within the County of Cornwall, hath made any things of special good Use for the good Government of poor Tinners, to be almost utterly forgotten, and instead thereof, Misdemeanors, and evil Usages of divers things have in a fort gained the Name and Reputation of Customs: Likewise of Fees of the Officers in Stannary Courts much increas'd, which altho' we are not at this time able to limit an equal Remedy to redress every Evil, or to remember and certainly relate all the laudable and good Customs which are to be observed in the said Stannary Courts, have yet thought it most expedient, in the plainest manner we could, to set down the Certainty of fuch things as are necessary, to suppress the greatest Inconveniencies, and with certain Care and Circumspection, have perused all ancient Records, or other Writings we could attain unto, which we conceived needful to certifie our Judgments in the very Truth.

Swanne ARTICLE I.

And whereas we do in the first Place order, constitute and ordain all we lawfully may, that the ancient Liberties, Privileges, Customs, Rights and Freedoms heretofore granted and confirmed by the King's Majesty's Royal Progenitors, the Kings and Queens of this Realm, to the Tinners, together with all other Freedoms and lawful Customs time out of mind used in the Stannaries of Cornwall, and not contrary or repugnant to the Laws and Statutes of this Realms are to be kept and observed.

In the like manner we present, order, and appoint, that the To certify the Owners of Blowing-Houses in every Stannary, or one of them, or Blowers their Deputies, shall twice every Year, at the Law Court Days, give Penalty of 405. unto the Steward of the fame Stannaries, the Names respectively of fuch Blowers as they shall entertain to blow in their Houses, upon Pain of Forfeiture for every fuch Offence, 40 s.

We appoint and ordain, that every fuch Blower shall at the same Blowers to be Court, each Blower for himself respectively, be sworn not to make sworn. fallify'd Tin by Way of artificial Mixture whatfoever, viz. to make it with baser Metal than Tin, and to deal justly with every Man as near as they can, and to bring into the Court twice yearly a true Note in Writing, figned with the Signs of the Owners of the Blowing-Houses, or some of them, or other Deputy, certifying the just Number of Peices, Slabbs, or Spoonfuls of Tin above a Pound : Weight, which have been blown from the first of May unto the fifteenth Day of October inclusive; the second Certificate to certifie all Tin blown from the fifteenth of October to the last Day of April inclusive, yearly, together with the Names of the Men for whom the same Tin hath been blown, upon paying to the Lord Prince for a Forfeiture for every Default herein, 5 l. And that the Owners for every Blowing-House shall sign the said Blowers Certificate, being required therounto, upon Payment of the like Forfeiture: Provided, if any new Blower be admitted or permitted into Service of any Blowing-House, that then the said Blower be sworn as aforefaid at the next Court after the House do leave Work, upon Pain of forfeiting 5 1.

IV.

Now we do appoint, that no white Tin uncoined, shall be carry'd No Tin un. from any Blowing-House, directly or indirectly, but only to the coined to Coinage-House, upon Pain of Forseiture thereof. But if any Tin the Blowingremain blown and uncoined after the time of any Coinage, it shall House, but to be lawful for the Owners of the faid Tin, to keep the Tin aforefaid in his the Coinage. own Custody wheresoever, so as the same may be duly certified to their Agents, or their Deputies, or Supervisors, upon Demand, un-to the Owner of the Blowing-House, or to him that keepeth the Accounts.

We likewife order, that who foever be apprehended in Fact, for The Penalty of conveying, buying, and felling of Tin uncoined, or that the same felling Tin unappear by Verdict, Confession, or due Proof before the Vice-Warden coined. thereof made, the same Tin being above the Weight of one Pound, whereby the Lord Prince shall be defrauded of his Customs, shall pay a Fine to the Prince for fuch his Offence, to the full Value of the Tin so coined, bought and sold, besides the Forseiture of the faid Tin so uncoined it self: Or if the said Tin shall be seized upon, and that every one that shall be found accessary, aiding or abetting thereunto, shall forfeit and pay to the Lord Prince 3 1. and also

every of the faid Offenders to be further punish'd, at the Discretion of the Lord Warden, or Vice Warden, to the Quality of his Offence. And if the Tin shall be so far convey'd away as it is past Seizure, or the Buyer, if he hath not paid for the fame, shall further yield the true Value thereof to the Lord Prince, and the Buyer in this Case shall be freed of his Contract with the Seller, and no Action shall lie for the Price.

We likewise order, that no Tinners shall fell their Ashes to any Not to Sell the Tin Afbes. Plummer or Pewterer, upon pain of Punishment at the Vice-Warden's Discretion.

Tin Weights.

We likewise present our ancient Custom to be a Standard of ten Pieces, viz. 200 lb. 100 lb. 50 lb. 32 lb. 24 lb. 16 lb. 8 lb. 4 lb. 2 lb. For every Tin Weight should remain in Brass in the Exchequer at Lostwithiell, and when either the same should grow dull, or the Weights worn, then the same should be fetched from thence to any of the other Courts, and a certain Company of the chief Tinners of the one Party, and of the Buyers of White of the other Party, should affemble and meet in the Coinage-Hall of every Court, the Day before the Coinage, and then in their Presence both the Beams should be rectified, and the Weights affured, to give due Weight between Man and Man. And this was done usually when there was Complaint of Wrong on either fide, and ordinarily executed once in feven Years.

VIII.

For amending the Beam.

We agree that the Pin in the Beam, and each Scale in the main, in every feveral Town within the Stannaries of Cornwall, being grown Blunt and imperfect by long Continuance and often Usage, as also very much worn in the handling, but the same may be sharpened and rectified three Days before November Coinage next in every Stannary, according to the Statute of the 11th of Henry the Seventh, on that Cause provided, in the Presence of the Officers and principal Tinners of each feveral Stannary.

Trial by Jury

We find that if any Tin be tarred, wherein the Owner of the for Tin tarred. Tin thinketh himself grieved, he shall have his Trial by a Jury of Tinners, if he requireth the same; and if the Tin so tarred prove defective to the full Value affessed by the Inquisition, the Owner of that Tin shall pay the Cost of that Jury, and make Abatements to the Agents according to the Defects of the Tin; but if the Tin be not found faulty to the Value affeffed by the Tarrer, then the Perfon or Persons that so take upon him or them to assess such Tar upon the Tin for the Tinner, shall pay the Cost of the Jury, and Damage to be levy'd by Fier' fac' from the Steward of the Stannary where the Tin is fo Tarred.

We find and agree, that if any Man make any Cafed Tin, (viz. or falfify'd Tin. do hide worse Matter than Tin within his or their Blocks of Tin,

which the Tarer, by his outward Affay with his Chizel, cannot come by or affay for his Trial) the Owner of the faid Blocks, if he be any way privy or confenting thereunto, having his Mark-House, Mark and Number returned into the Court where it was coined, and so try'd by the Jury of Tinners in the same Stannary, shall forfeit for his Offence the whole Tin to the Lord Prince, and 5 1. to the Buyer of the faid Tin, and the Maker or Blower of the faid Tin shall forfeit for his Offence therein 5 1. and be imprisoned The Forfeiture. the space of one whole Year, without Bail or Mainprize. the Block of Tin be made by the Procurement of the faid Owners, Servants and Blowers, without the Owner's Privity or Confent, then the Servant and Blower to forfeit 5 l. apiece, and they both to be imprisoned by the Space of one whole Year, without Bail or Mainprife; the one half of the faid Tin to the Lord Prince, the other half to the Buyer of the faid Tin, to be levied by Fier' fac'. XI.

We find and present, that as the Blower, so every other Officer, Poiser and Trywhose Voice is the Rule of Right between Man and Man, (as, or to be foorn namely, the Poiser and Tryer, and their Deputy) ought to be a rear, on Pefworn in the Stannary Court once every Year, at one of the Law- nalty of 5 L. Courts, duely and justly to exercise their Offices, and to divide Right between Party and Party, without any Partiality, upon Pain of 51.

We further present, that no Person shall implead the Privilege- Who are Tin-Tinner in any Foreign Court, viz. a Labouring Tinner, a Blower, Not to Owner of Blowing-Houses, a Spaliard, and Adventurer that is at impleaded our any Charge for getting or making of Tin, a Smith, a Collier, or of the Stamaany Person that is imployed in working or making any Tin, or cept for Life, about any necessary Utensils for the working of the same; if any Land or Limb. fuch Person shall implead a Tinner for any Cause (except for Life, Roll. Pol. 1. Land, or Limb) arising within the Stannaries, the Lord-Warden, 2.295. Vice-Warden or Steward of the Stannary, upon Petition or Infor- E. 1. and Exmation to him exhibited on that behalf, is to call all, fuch Parties polit, the 50th before him, and upon due Proceedings either by the Party's fit. 232,233, Confession or otherwise, the Lord Warden or Vice Warden ought &c. to command such Persons to desist from such unlawful Suits A Tinner may against fuch Tinners out of the Stannaries; and if the Parties at the Comfo suing shall disobey his Command, or continue their Suit mon Law, if in any sort afterwards, he shall forseit the Sum of 40 s. and vid Stat. Car. the Lord Warden or Vice Warden, then to commit fuch Offenders 1. to the Prince's Goal at Lostwithiell, as hath been ever used and 1. be a work-accustomed, there to remain until he surcease his Suit, and ing Tinner in some Hamlet, shall pay the Tinner his reasonable Cost and the Fine of 40 s. the Village or Tyone half to the Prince's Highness, and the other half to the Party thing. grieved; all which faid Forseiture or Fine, shall be paid to the Vice Chart. Ed. 1. Warden, and by him deliver'd to the Party grieved, and the other in locis ubi half to be paid to the Stannary Court where the Offence was com- operantur. mitted; the next Court after the Payment thereof to the Tin Bay-

B

liff, to be eftreated by the Steward, who is to be accountable for the same, as for any other Fine or Amerciament that shall happen to grow due in the faid Stannary Court, by any other Ways or Means whatfoever.

XIII.

Between Tinreigner.
4 Institut.
fo. 230.
Tinners may

We find if any Tinner fue a Foreigner, or any Foreigner fue a ner and Fo- Tinner, or a Tinner fue a Tinner at Common Law, or in any Foreign Court, for Matters determinable in the Stannary, and procure a Writof Hab' Corp', or Prohibition for removing any Suit out of the Stannary, the Matter being determinable in the Stannary, that it appears by fue at Common ry, the Watter being determinable in the Law. Vid. manifest Proof to the Vice Warden, shall forfeit for every such Of-Stat. Car. 1. fence 40 s. and fuffer Imprisonment at the Lord Warden's or Vice Warden's Pleasure; the Fine to be levy'd by Fier' fac', the one half to the Lord Prince, and the other half to the Party grieved, provided that it be not prejudicial to any Tinners within his Highness's Dutchy Manor.

XIV.

Tinners free in. We find that according to our ancient Customs, all Tinners are Fairs. Tree in all Fairs and Markets within the Stannary, for felling their E. r. & Stat. own Goods from all Taxes and Tollages. Car. I.

We find according to our ancient Customs, that no Priviledged be Jurors, but Tinner is to be impannelled in any Jury, either for the King's Maonly in Stanjesty, or else between Party and Party, but only in the Stannary Courts.

XVI.

Tinners to pay We find according to our ancient Customs, that the labouring Tithe out of Tithe out of Tinners ought not to pay Tithe out of their Wages, tho' the Mini-This Tithe sters oppress them, and force them to pay the Tithe yearly out of was given to their Wages, his Highness paying to the Bishop of the Diocess 16 l. of Exerge, by odd Money yearly, in lieu of Tithe for Tin and Tinners in Corn-King John.
161, 135. 4d. wall and Devon.

XVII.

We find according to our ancient Customs, that every Tinner Pitch to nomi- that shall new cut any old Bounds, shall at the next Court within nate bis Own- the Stannary where the Work is, enter his Proclamation for the ers Names. fame, and thereon nominate all his Owners, and the Day of his Pitch, otherwise the said Pitch to be deemed void.

XVIII.

When Bounds are kept by renewing according to the Custom, nemed, yet renemed before and the Keeper shall carelesly let slip his Day of renewing, and new pitched. shall afterwards come again and renew the old Corners before any other Tinner shall put a new Pitch upon them, that such renewing shall be taken for a good renewing against any other Pitch.

XIX. We find that where there are many Partners in a Tin-Work, Partners and Owners, how fuch Tinners as above, on Warning given, shall not set their Parts to mork.

to farm, nor bring in their Men and Money accordingly in one Month after Warning given them, and pay the Cost and Spale for

that Month, shall be excluded from entring into the faid Work, and adventuring therein during the faid Adventure, and shall be contented with such Farm as the Work is set for by the rest, in case where all the rest work their own Right, the Farm shall be rated and affested by three indifferent Tinners, to be chosen out by the Workers, one by the Owners, and one by the Steward of the Stannary-Court within which the Work is; and in such Case there be none upon working, the Set made by most of the Owners shall be good and available against the other Copartners.

XX.

We find that neither Steward, Bayliff, Attorney, Lawyer, or any No Praditiother Officer or Practitioner in the Stannary-Courts, nor their Children, oner, &c. to be nor any one in Trust for them, directly or indirectly be made Own- Tin-Work in ers of any Tin-Works in Strife or Variance, and all Rights in Tin-Variance, Works fo disposed shall be deemed void against them, and it shall be for; Forfi to the Church-Wardens for the Time being, in the Parish where the fure 51. Work lieth, towards the Relief of the Poor of the faid Parish; and that no Tinner shall give, sell, pawn, or promise, directly or indirectly by any means, any Part of any Tin-Work in Variance, or the Whole to any great Man in the County, or Person of Power against the Tinners, or to any other in their Use for defending of them in Trust for them, whereby the Right may be overcome by Countenance, shall for such Offence forfeit 5 1. and the Gift of Sale to be void.

XXI.

We find, that who foever hath been in a quiet Possession of a Tin- possession in a Work, and Continuance of working by the Space of a Year and a Tin-Work how Day, by himself, or his Farmers, or Tinners, shall not be removed from his Possession, or dispossessed of his Farm Tin by any Command, Order, or Writ, before the Judgment against him for the Right of the Work, and whether neither Party hath been working a Year and Day, but that their Right stand only upon old renewed, or new pitched, without continued Work or Bounds, that in this New pitched. Case the Workers that first discovered the Load, shall not be molefted, but continue their working until Verdict shall be given against them; but in this the Farm in the Interim shall be seque- sequestration. fired in mean Hands, and to be answerable to them that shall recover the Right by legal Trial.

XXII.

We agree, that where divers Owners being in one Work, or of suffering Partners in one Pair of Bounds, if any of them shall defraud his forfeited. Partners in, and so suffer the faid Work or Bounds to be void, and compoundeth with a Stranger to cut new Bounds, making fome of his Children or others Owners, and giveth not reasonable Warning to his Partners, offering to shew the four Corners; he that goeth so about to Four Corners. defraud his Partners loseth his Part of the said Work or Bounds to his faid Partners; and he that pitcheth, as he that defraudeth, shall fall into the Penalty of 201. apeice, the one half to the

Lord Prince, and the other to him so defrauded, to be levied by Fier' fac'.

XXIII.

A Gallon and a Foot of Black Tin, what it

We agree that all Gallons and Foot-Vats are to be called in and affered by four fufficient Men, to be fworn for the affering and fealing thereof, all at one Size, according to the ancient Standard; viz. the Gallon ought to contain fix Wine Quarts, Winchester; and the Foot-Vats ten Wine Quarts; and whofoever buyeth or felleth otherwise than by such a sealed Gallon of Foot-Vats, shall forfeit 10 s. for every fuch Offence to Buyers and to Sellers, to be returned to the Head Bayliff of any Stannary to be the Afferers, and to have 2 d. apiece, and for the Seal 4 d. to the Tin Bailiffs, and the Steward to have his Fee 4 d. for giving the Oaths. XXIV.

To buy Black We find according to ancient Custom, that whosoever shall buy Tin but at the or receive any Black Tin Stuff, or Leavings from Blowing-Houses, Suspended Per. from any suspicious Persons that are not known to be Adventurers of Tin, or to be Makers of White Tin, or Owners of Blowing-Houses, or shall otherwise receive any Tin Stuff from any Tinner than only at the Wash, before sufficient Witness at the least, shall forfeit double the Value of the Tin so bought by him.

XXV.

For keeping of Courts.

We moreover find and establish that all Stewards of the Stannary-Courts do keep all their Courts from three Weeks to three Weeks, according to the Custom, and not some at a Month's End, and some at a Fortnight, for that is to the great Prejudice of the Stannators, except fuch Courts as were always called Customary Courts, kept the Morrow after certain Fairs within each Stannary, which have been accustomed to be kept, tho' they shall within a Week after the ordinary Courts, at the Place where the Fair is kept, for the Benefit of fuch as do attend the Fair and the Court, and that the Steward do at the End of every Court, appoint the Day and Place of the next Court, upon Pain of 10 s. the one half to the Lord Prince, and the other half to him that will fue for the fame, if it be presented on a Law Court-Day on Jury there sworn, and that the Head Bayliff do proclaim the same at the Adjournments of the Courts, upon Pain of 10 s. one half to the Lord Prince, and the other half to him that will fue for the same; and that the Head Bayliff do proclaim every Court in the Market-Towns, in the full Market-Place within his Stannary, eight Days before at the leaft, according to the Ordinances made the 30th of Queen Elizabeth, Article the Eighteenth, upon Pain of 10s. one half to the Lord Prince, and the other half to him that will fue for it, if it be prefented at the Law-Court; and that the Customary Courts after Fairs be always kept at the Place where the Fair is held according to the Custom, or else at the next Market-Town, to the same Place within the Stannary, and no farther off, upon Pain of 10 s.

30th Eliz. Pain 10 s. to the Lord Prince.

XXVI.

We find and ordain, that all Stewards of the Stannaries attend No Steward's on their Court in their own Persons, or sufficient Deputy, being no son or Servant Attorney, to ward the Court; and that no Steward or Under Stew-Plaintiff or ard of any of the four Stannary Courts, his Son, or his Clerk, be Defendant. of Council, or Sollicit in any Cause, either for Plaintiff or Defendant, in the Court whereof he shall be Steward; nor that any Steward, his Son, or Servant, or any Attorney in that Court, do contract for any Cause of Action, or prosecute the same in the Vender's of Giver's Name, according to the 30th of Queen Eliz. the Twenty fecond Article, upon pain that every one respectively herein shall forfeit 5 1.

XXVII.

We find, that whereas in the 30th of Eliz. Article the Thirtyfixth, it is there contained, that the Fees of the Stannary-Court did daily increase, of which they defired Reformation, and that the Steward should set down the Fees in certain, which hath not been yet done; and that the Fees now fince that time are much increased: We do therefore ordain, that all Judges, Stewards, Keepers, Attorneys, Bayliffs, and Head Bayliffs of every Court respectively, shall take such Fees, and no other, wherein a Schedule fet down hereafter written to this Act, on Pain of 40s. the one half to the Party grieved, and the other to the Lord Prince.

XXVIII.

We find, and according to our ancient Customs do agree, that Executions all Executions issuing out of the Stannary-Court shall stand good good a rear and a Day. and continue without renewing, for one whole Year and a Day.

XXIX.

We do order and agree, that no Original Process shall be held Original Progood or lawful, that shall have any Raisure in any material Point, except in the Date only, and for that, one Penny shall be paid to the Steward for new dating thereof, and no more; and that all Bayliffs make due Return of all the Warrants that shall come to their Hands the next Court after the Service thereof, and at the same Court from whence it issued, except the Plaintiff and Defendant do agree before the Return; and that the Head Bayliff of every Stannary do keep all fuch Warrants on a File, to be shewed at all times, as shall be so returned to them, upon pain of Forseiture of 40s.

For as much as the Head Bayliff of every Stannary is a Publick Head Bayliff, Officer, and of great Trust, and ought to answer all Escapes and or Tin Bayliff. Executions received, and Money deposited that shall come to his Hands, it is requisite he should be publickly known to all Parties: We do therefore agree, that every Head Bayliff now in Being shall at the Law-Court next coming, within the Stannary whereof he shall be Bayliff, and every Head Bayliff hereafter, shall be at the next Law-Court coming after he shall be made Head Bayliff in chief, shall exhibit his Patent in Court, there to be entred, and to remain on Record; and shall take Oath in open Court, in the Presence

Presence of the Grand Jury, then and there sworn for the said Stannary, if it be a Law-Court, for the due Execution of his Office, and that he shall in Person attend on his Office every Court, or by fufficient Deputy, and that they, and neither his Son, Deputy, or Servant be of Council, or Attorney, or Sollicit any Cause directly or indirectly, or bring or get any Cause in Action in the Stannary-Court whereof he is Bayliff, upon Pain of Forfeiture for every thing follicited directly or indirectly, the Sum of Five Pounds. XXXI.

Bayliffs, not aeach Stanna-

We agree that Twenty Bayliffs be allowed in each Stannary, and bove Twenty in no more, who shall either give Bond, or Recognizance in the Court, in the Sum of 5 l. for the good Abearing of themselves in their Office or Place in the feveral Stannaries where they dwell; and in default of the Stannators at a Grand Jury at the Law-Court Day, and fo taken over hereafter to be made full by Death or Discontinuance: But in Case whether the Plaintiff will have Special, that then the Plaintiff is to answer for his Bayliff's Misdemeanours, and that no Steward shall disallow any Special Bayliss, which shall be nominated by the Plaintiff; and if any Bayliff break his Bond or Recognizance, and being thereof lawfully convicted, if ever he Rescous and be found serving any Stannary Process, he shall be imprisoned for

Process of Con- one whole Year.

To be admitted

Car. I.

ecution.

XXXII.

We find that no Warrant of Contempt be granted by the Vice-Return, which Warden, or any of the Stewards, to the Prince's Suit, upon a Re-Traverse, if turn of a Rescous, or Assault made upon any Baylist on executing to be no any Stannary Process, before the Case be first heard before the Vicefurther trou- Warden, or Steward of the Court where such Return was made.

Vid. Stat.

XXXIII.

We agree, that the Liberty acknowledged in the Presentment Anno 16 Hen. 8. Article the Twelfth, that Prisoners of Maine original Pro- Prison may have Liberty of the whole Borough of Lostwithiell, is cess, Liberty and shall be understood of Prisoners upon Original Process, and for of the Borough, Prisoners upon Execution or Misdemeanours, not to extend so far as the Houses of the Inhabitants shall reach within the Borough, and

and no farther.

XXXIV.

Liberate out of Prifon.

We find and agree, that the Keeper upon Original Process may take Bail, returning the fame the next Court where the Original proceeded; but for Judicial Process he is not to deliver the Prisoners but by Mandate from the Vice Warden, Warranty of Record, or Consent of the Plaintiff under his Hand for the Keeper's Difcharge.

XXXV.

Liberate per

We find and agree, that if the Vice Warden make any Liberate vice Warden. for the Enlargement of any Prisoner on Execution, without the Confent of the Plaintiff, that he make good so much as shall be judiciously ordered within three Weeks following next after such Or-

der, and we utterly deny and diflike taking of Bonds to the Plaintiff's Use upon granting a Liberate.

We find and agree, that there be but four Defendants Names in- Four Names in certed in one Warrant, unless more than four Defendants be joined a Warrant. in the same Action, provided that all such Warrants be returned to be filed by the Head Bayliff, except fuch as come to the Keeper on a File by him, according to the 30th Article.

XXXVII.

We agree that there be Personal Appearance upon Arrest, except Appearance in by Mandate from the Vice Warden, upon apparent Suggestion, and Accorney, to that in Case of Necessity, or made known by Affidavit unto the appear to all Court, and upon Appearance by Attorney, the Attorney shall ap- Actions. pear to all Actions.

XXXVIII.

We agree that no Fines, Issues, Americaments, and Profits of Affereing of the Stannary-Court, payable to the Audit, be gathered by the Bay- Amercia liffs, before the Estreats be affered, by four of the most substantial ments. Customers, and sufficient Afferers, with the Vice Warden's Hand and Seal of the Dutchy thereto, upon Pain of 5 l. the one half to the Prince, and the other half to the common Treasury of the Stannaries.

XXXIX.

We find great Abuses in the Bayliffs of the Stannaries, in serving of Process by Night and on the Sabbath-Days: We do henceforth Night, or Sabtherefore agree, that no Bayliff or Bayliffs do arrest any Person on bath, Forfeithe Sabbath-Day, or in the Night, except it be such as are Fugi-ture and Imtives and Bankrupts upon Pain of 20 s. for every such Offence, and Imprisonment at the Pleasure of the Vice-Warden, the one half to the Lord Prince, and the other half to the common Treasury of the Stannaries.

XL.

We find that all Appeals in the Stannary ought to be taken at all Appeals to the times, either to the Steward, Lord-Warden, Vice-Warden, or to to the Vicethe Prince's Highness entred in Court, and the Defendant to make Warden, to the his Choice whom first to appeal, and so upward, provided no Stan- and for more nary Steward receive no Appeal before Verdict given, and if such a of Juffice there, Steward shall admit any such Appeal after Verdict given, that then to the Prince's the Steward shall forseit for every such Offence 40 s. the one half to Vid. 4. Inst. the Lord Prince, and the other half to the Party grieved, to be 230. levy'd by the Lord Warden, or the Vice-Warden's Command, untill he shall fatisfy the same.

We find and agree, that the Seal of the Dutchy belongeth to the Cuffedy of the Vice-Warden, as appeareth by his Patent; and that the Steward Sealhaving feverally a Seal for Expedition and Commencement of the Suit, having but the Use only, and not the Profit thereof, and that all Process whatsoever issuing out of the Stannary-Court, ought to proceed on under Seal of the Dutchy.

XLII. We

Times for hearing of Appeals.

We find, that the Party Approbine to profecute his Appeal, and procure his Hearing within fix Weeks at farthest, after the Date of his Mandate, Supersedeas, or Liberate, and thereof give sufficient Notice to the adverse Party; and that the first Day assigned for the Hearing be peremptory to the Party appearing, to prove his Suggestions, except where his Witnesses cannot be present in Case of Necessity, and that proved; or the Vice-Warden himself cannot be present in Case of Necessity, otherwise the Appeal ipso facto to be deferted, and the Court to be at large.

No deferring Appeals.

We find that in Cases of Appeals, when the Proofs and Allegations have been fully heard, that the Judge in Equity defer not his Order to a fecond Sitting, except in Case of manifest Difficulty, in which Case that he declare his Order within three Weeks after the Hearing, at farthest.

XLIV.

Commitments.

We find that if any Man be committed upon Contempt, either by the Vice-Warden or from the Court, that he be not delivered by the Keepers, but by fuch as have Power to enlarge him, upon Pain of Punishment at the Lord-Warden's or Vice-Warden's Pleafure.

XLV.

Cost of Appeal.

We do agree and order it accordingly, that upon Appeals, when it is past against the Complainant, Consideration is to be had of the Cost of Appeal by the Vice-Warden.

XLVI.

Return of Surety on Arrest.

We do order and agree, that every Bayliff shall make any Arrest within the Stannary, and shall make Return of any Surety by him taken, do endorse his Name or Sign on the Backside of the Warrant, with the Date of the Day he became Surety, or that the Bayliff be Two Witnesser, able to prove the Suretyship by one sufficient Witness at the least; if any Bayliff make Return otherwise, such Returns are to be re-

Vid. Stat. 16 Car. 1.

ceived by the Head Bayliff, but to be esteemed of no Force.

XLVII.

Plaintiff's

We do likewise order and agree, that the Plaintiff's Attorney take Declarations Care that they have their Declarations ready at the same Court to be ready the when the Defendant shall appear, if it be required by the Defendant Defendant ap- dant, otherwise the Steward is to grant a Nonsuit against the Plainpears, else non-tiff; which if the Steward shall not do, the same being required fuited.

Penalty 40 s. by the Desendant or his Attorney, the Steward shall forseit to the on the Stew-Lord Prince, Forty Shillings for a Fine.

FEES of Court.

s. d.	s. d.
THE Writ of Capias, 0 06	For ferving it on Body or?
The Serving thereof, 1 00	For ferving it on Body or 3 04
The Bayliff bath of the?	To the Head Bayliff, for the first Executions only, 100
The Bayliff bath of the of Defendant on Arrest,	the first Executions only. 1 00
The Bayliff's Fees on a 20 06	For a Writ of Damage to \ 60 06
Summons, 30 06	the Steward. 0 06
And upon Arrest, for such	For the same to the Heads
as are Fugitives, and	For the same to the Head of Bayliff,
keep House, and despe->	For returning Executions
rate, the Fees are ar-	for returning Execution of the Steward,
bitrary.	To the Head Bayliff for
For Return of the Said	To the Head Bayliff for \ o 04
Writ to the Steward 204	For a Prisoner that is on
For the same to the Tin 30 03	For a Prisoner that is on o4
Bayliff, \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	For exonerating a Surety, 0 04
For an Attachment, 0 10	For entring a Vice-War-1
For a Fier' fac' 0 10	For entring a Vice-War-}0 04
For a Diffring' ad Capiam' o 10	For aWarrant of Accorney, 0 04
For a Duces tecum, 0 10	For Appearance to Copy.
For a Warrant of Contempt, 0 10	For Appearance to Copy, 30 08
For Serving thereof, 1 00	For entring an Answer, 0 04
For a Return thereof, 0 04	For entring a Replicavit, 0 04
T 37-11 C-1	For entring Remainder, 0 04
For Return thereof to the \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	En a Continuous
Bayliff,	For a Deposition of Wri-
For Diftr' & Tales, 0 06	ting,
For the Head Bayliff, 0 06	E V. I.d
For a Proviso, 0 06	For Jury Fees, to each of?
For a Supena ad testificand',	For Jury Fees, to each of \ \ them,
above three Witnesses, \$1 00	For Taxers, and Fees to?
	For Taxers, and Fees to o4
For the same under three \ \ Witnesses,	For Bayliff to keep the 30 04
For a Liberat fac polle,	Jury,
fep' }0 10	For Relinquit' verific' &
For an Injunction, 0 10	Cogu' Action'
For a Sequestration, 0 10	For Condemnation, 0 04
For a Revocation Lyn-	For a Nonfuit, 0 04
fland,	For Licen' concern' 0 02
For a Mittimus, 0 10	For a Judgment, 1 00
For serving those severals	For allowing of the Bill of
Writs to the Bayliff, \$1 00	Coft,
For all Executions to the?	For entring Com' 0 04
Steward, \$1 00	Upon a Presentment, 0 04
	K For

	S.	d.
For entring a Proclamac',		
For entring a Proclamac, For entring every Rule in Court,	100	4
For entring Causes in Ar- rest of Judgment, and)	
Demurrer in Substan'	5	Ī
Ton a Special Wondid	00	8
For Attorney's Fees every Court of Tryal,	}02	0
For drawing Answers, Repl' renewing each,	00	4
For a Counsellor's Fees upon Demurrers or Spe- cial Verdict, For a Copy of an Action in Court,		
cial Verdict,	5.0	
in Court,	800	4
cord,	01	0
For a privy Verdict,	00	4
For drawing a Declaration,	00	4
For drawing a Bill of Cost,		
For a Special Court, to the Steward	00	8
For the Bayliff's Fees for	03	4
For the Attorney's Fees	03	4
for the said Court, But if it stop in Court,	Nil	

For such Writs as issue out of bis Majesty's Courts at Westminster, and liable here, accustomed Fees.

All other Ads in Special Courts, as in other Ordinary Courts, finale Fees except Furors

single Fees, except Jurors.
For Shilling-Pence in Actions in the Case, the Steward shall bave One Penny in a Shilling for so much Damages as are justly due; and if it appear in any legal Cause, by Hearing before the Lord-Warden or Vice-Warden, that there is more Shilling-Pence taken by the Steward of any Mannor, than the Damages do amount unto by his or their Order, then the same shall be repaid to the Party grieved by the Steward, within one Month after such Notice, or after such Order or Judgment, upon Pain of 10 l. for a Fine, and Imprisonment until it be paid, the one half to the Prince, and the other to the Party grieved.

Fees belonging to the VICE-WARDEN.

reer's, and lees tot	s. d.
FOR a Warrant, or other Process under a Dutchy Seal	
Hote a mariant, or	
other Process under a	00 6
2000 2000	
For a Mandate, Super-	1
sedeas, or Liberate, or Warrant of Contempt,	
Tedeas, or Liberate, or	02 6
Warrant of Contempt,	TOT O
for each	Par a
Tortan Oraci, marketping	OIO
For an Order, and keeping }	Por a
For a Precept to call Wit- nesses, of what Number	For al
moller of anhat Neumber	00 6
nejjes, oj wout Number	00 0
Soever,	(5 TOP
I A M I BURNEY TO A CO.	7 7

	S.	
For writing a Deposition, and keeping Record,	200	4
For a Sequestration of all	,	4
For a Sequestration of all other such Writs,	02	6
Incompany .		

Fees belonging to his Clerk.

For making a Bond,	00	6
For a Copy of an Order, each Party	}01	0
For drawing a Petition,	OI	0
For a Copy of Depositions,	00	4

Fees

Fees belonging to the BAYLIFF.

OR Passure of one 300 2 The Pasture of one Horse, OI O If the Kine be milked, but 00 2 Sheep weekly, The Passure of one Bul-300 8 If the Horse be laboured,

Fees belonging to the KEEPER.

We the fact four to a county is address, elected and elected by the Educ Mayors of the Young of Fell sithical Actions and Hellers and by the Council of the factor and Barros as according

to their ancient Presentance and Usage of the faid than aries, and allembled in allement, took into our configuration their Article

For that the unanity of Conlent of the fall Lour and revery

want of or a text older) that not less to to

OR delivering a Pri-) soner upon Original 00 6 Process, Upon Judicial Process, Receiving a Mandate and \ 00 6 recording it, For a Contempt committed? in Face of Court upon 00 4 a Misdemeanour, For a Warrant of Con-\oo 8 For a Duces tecum received, For a Return in Court \ 00 4 thereof, For bringing a Prisoner forth to Court, and back, 00 2 each of them by the For a Copy of a War rant,

omideration thete Articles

For Goal-Fees for all A-) Etions that are against 03 4 For Bedding, if be bave) it of the Keeper, arbitrary. For Guise-Fees, if be de- 300 4 Serve it, For Diet at the Keeper's \$00 6 finding every Day,

If at the Keeper's Table, arbitrary. For a brief Copy of the \ OO 2

For such Writs as shall issue out of his Majesty's Court at Westminster, and liable in the Stannary-Courts, Such Fees as are accustomed; or, upon Complaint, as the Vice-Warden Cornub. A T the Convocation of Four and twenty Stannators, or Parliament of Tinners assembled for the Stannaries in Cornwall, before William Coryton, Esq; Vice-Warden of the said Stannaries, by the Direction of the Right Honourable Philip Earl of Pembroke and Montgomery, Lord Warden of the Stannaries in Devon and Cornwall, by Vertue of the King's Majesty's Royal Letters under the Signet to him directed, bearing Date the Seventeenth Day of December, in the Eleventh Year of his Majesty's most happy Reign, holden at Lostwithiell the Fisteenth of August, in the Twelsth Year of his said Majesty's Reign, and prorogued from the Eighteenth unto the last of the said Month of August, and continued until the Third Day of September.

Six Stannators of the Stannary of Foymore.

Charles Trevanion,
Hugh Boscawen,
Thomas Herle,
Jonathan Rashleigh,
Nicholas Kendal,
John Gooke,

Nicholas Trefusis,
Thomas Jewen,
Ambrose Mannaton,
Nevil Bligh,
John Lampen,
John Beare,

Six Stannators of the Stannary of Tywarnhayle.

Six Stannators of the Stannary of Penwith and Kirrier.

John Polwheele, Esq;
Edward Coke,
Francis Gregor,
Jacob Danyel,
Hugh Bawden,
John Crocker,

Sir Francis Godolphin, Knt.
Francis Godolphin of Godolphin.
Francis Basset,
Francis Godolphin of Treveneage,
William Robinson,
Roger Polkinghorne,

T

We the said Four and twenty Stannators, elected and chosen by the Four Mayors of the Town of Lostwithiell, Lanceston, Truro, and Helston, and by the Council of the said Burroughs, according to their ancient Prescription and Usage of the said Stannaries, and assembled as aforesaid, took into our Consideration these Articles following, viz.

II.

For that the unanimous Consent of the full Four and twenty (according to the Letter of the Charter of Pardon) may not be had to every Ordinance propounded, to the end that our Endeavours (for want of one or a few Voices) shall not fall to the Ground,

Ground, we, following former Precedents and Usage, do agree, constitute, and ordain, that whatsoever Proposition shall be affirmed and concluded by Sixteen Voices or more, but not under the same, shall stand and be binding as the Act of us all.

We think fit, that the Resolutions declared by the learned Judges Anno 7 Jacobi Regis, 1608, and inrolled in the High Court of Chancery, should be inrolled and entred in a Ledger-Book for the Stannaries, and that Copies thereof should be taken of the several Stewards of the Stannary-Courts, and entred into their Court Book, and published by them at the Courts, that they may be known, and in every point duly observed.

We present and affirm, that by common proscribed Stannary- Cutting of Right, any Tinner may bound any Wastrel Lands within the Bounds. County of Cornwall, that is unbounded or void of lawful Bounds; and also any several and inclosed Land, that hath been anciently bounded and affured for Wastrell, by delivering of Toll-Tin to the Lord of the Soil, before that the Hedges were made upon it; and also such, and so much of the Prince's several and inclosed Customary Land within the ancient Dutchy affestionable Manors, as hath been anciently bounded, with Turfs, according to the ancient Custom and Usage, within the said several Dutchy Manors, and not otherwise; the Tinner paying out of such Land so bounded, the usual Toll only as is generally paid within the Stannaries, that is, the fifteenth Dish or Quart, saving in such Places where a special Custom hath limited another Rate of Toll.

We present and affirm, our General Custom of gaining and keep- Renewing ing Right in Bounds, to be by new Pitch and Renew, in fuch Bounds. Manner as it now is and anciently hath been in use in the several Stannaries; which said General Customs we limit, ordain, and agree, that it shall be thus understood; viz. That an Owner working his Tin-Work by himself, his Wages-Man or Farmer paying Toll once a Year and a Day, or otherwise continue his Working without Fraud, in driving an Audit unto, or finking a Shaft upon the faid Work, and withal preferving the four Corners Bounds, fo as they may be feen, or fufficiently proved; if they, or any of them shall be newly or casually, or maliciously defaced, so long the said Owner shall not lose his Bounds, for default of Renewing.

Statut' Car. 1.

We present and affirm, that by our ancient Custom, must be a Work-ing Tinner in Vil- the Spalliard working with Pick and Shovel, the Wa- 4 Instit. 231. lage, Tything, or ter-Man, the Boll or Barrow-Man, the Dresser, the
Hamles, locisubi Blower, and all other Tinner Labourers and Work- 2 Roll. Rep. operantur; and men that necessarily attend getting the Tin, or the 44, 45.

I Rol. 295.

Dreffing, Blowing, or Whitening it, so long as they be fued that to continue their working without Fraud, are properly called Privileged Tinners, and are not to fue or be fued out of the Stannary-Courts, faving in Cafe of hels not a Tinner, Vid. Opinion Life, Land, or Limb. And we further present and tiff of the Judges affirm, that all the said former Privileged Tinners, 26 No 26 Ja- if they shall discontinue their working about Tin and Tin-Works, and also all the Officers and Ministers of both Courts, the Afferers, the Owners of Tinand Opinion Works in Wasterell, or several the Adventurers in of Judges 14 No 3. Car. 1. Tin-Works, the Buyers of Black or White Tin, and generally all others that intermeddle with Tin, are

the Defendant to of Suit. Vid. Stat' Car. 16.

not a Tinner, b

on his Oath that

unless the Plain

tiff makes Oath himself to be a Tinner for half a Year before Such

called Tinners at large, and have also the Liberty, Privilege and Statut. 50 & Profit to sue, and may be sued in the Stannary Courts there determinable, and may also sue and be sued at the Common Law at the Pleasure of the Plaintiff.

VII.

Courts of Blowof Blowers.

We agree, constitute and ordain, that the Owners of Blowinging. Houses to Houses, or their Deputies, or any of them, shall once yearly be-exhibit Names tween the End of March and Midsummer, exhibit note the Steward tween the End of March and Midsummer, exhibit unto the Steward of the Stannary-Court respectively where his Blowing-House lieth, the Names of fuch Blowers as they have entertained to keep their Blowing-Houses; and if they shall change and retain any new Blower after Midsummer, and before the End of March, they shall likewise give in the Name of such as shall be retained, or changed, at the first Court after such Retainer, upon paying of 10s. for every Default herein.

VIII.

Oath of Blow-

We agree, constitute and ordain, that every Blower, before he shall be admitted to blow in any Blowing-House, shall be sworn in one of the Stannary-Courts, that he shall not make, nor with his Knowledge or Consent, suffer to be made any falsified Tin, by Artificial Mixture, or by casting in any Block of Tin any baser Metal than Tin, and that he shall deal justly between Man and Man, as near as he can in their Turnings and otherwise, and shall take Account or Certificate that he hath been sworn, under the Hand of the Steward of the Court before whom he was fworn.

To certify what Tin Blown to the Stannary-Court.

And we further agree, constitute, and ordain, that the said Blowers, or one of them, shall bring into the Stannary-Court respectively twice in the Year, a List in Writing, which shall contain the just Number of Blocks, Slobbs and Spoonfuls of Tin, which have been blown in the said Houses, with the Names of the Owners of them, for whom they were blown; the first Certificate to contain the Tin blown from the first Day of May to the fifteenth Day of October inclusive, and the second Certificate to contain all the Tin blown from the fixteenth Day of October to the last Day of April inclusive; which several Certificates shall be exhibited at the next Court after the House shall leave of. And if any Blower shall

work in any Blowing-House before he shall be sworn, or shall not make Certificate in the Court, of the Tin by them blown, as aforefaid, they shall forfeit for every Default herein 40 s. And we also agree, constitute, and ordain, that the Owners of the Blowing-Houses, or one of them, or their Deputies that have the Charge of the faid House, shall sign the faid Blower's Certificate, the same being tendred unto them, or one of them, and they thereunto required; and that they shall not admit any Blower to work in their Houses before they shall be sworn, and his Oath certified as aforefaid, under the paying of 20 s. for every Default herein.

We present and affirm, that whatsoever White Tin shall be car- Uncoined Tin, ry'd from any Blowing-House directly or indirectly, otherwise than and Tin cartied from the to the Coinage Town, there to be coined, or shall be conveyed Blowing-uncoined, whereby the Prince is defrauded of Coinage Custom, House, unless such Tin is forfeited by the express Words of the Charter. But we Town, is foragree, constitute and ordain, that if any Tin shall remain blown feited. and uncoined in any Blowing-House after the last Day of the Coinage respectively, that the Owner thereof shall, and may, keep and in the the same in his Custody where he shall please, so as he duly cer-Blowing-House tify the same upon the End of the Coinage unto the Agents of the the last Day of Farmers of the Peremption, their Deputies or Supervisors, or enter be carried the same of Record before either of the Stewards of the Stannaries, when the Owner of the Coinage is the Coinage in the Coinage in the Coinage in the Coinage in the Coinage is the Coinage in the Coinage in the Coinage in the Coinage in the Coinage is the Coinage in t or of the Coinage Courts upon Demand, and bring the same the er pleases, le next Coinage to be coined.

For that the Falsification of Tin by our Custom is only punishable Falsifiers of by Fine arbitrary, according to the Quantity of the Offence, and Tin fineable. as fuch charged in the Dutchy Accounts under a Particular of Fines, Fabricationis falfi Stanni: And for that the Damage by fuch Falfification cannot amount to a Value deserving a Forfeiture of the Tin falfified; Therefore for making the Penalty certain in this Case, if any shall hereafter make any falsified Tin, either by Artistcial Mixture, or by melting into it, or by casting or hiding within the Body of the Block of Tin, any baser Metal than Tin, the Number, Piece, and that Part of the Block which carrieth the Blowing-House and Owner's Mark, being returned into the Coinage Town where it was coined, and there according to our Custom try'd, and the Damage affelfed by a Jury of Tinners; We agree, constitute and ordain, that the Owner shall forfeit, yield, and pay double Damage, or privy to such Falsification, shall forfeit Three Pounds, and suffer Three Months Imprisonment; and the Blowers that shall be found to have been faulty by Knowledge or Consent thereunto, shall suffer Imprisonment without Bail or Mainprize, until he shall fatisfie and pay the Penalty of Five Pounds; provided that this Act, nor any Penalty therein laid, shall extend to any natural Mixture or Imperfection that groweth in the Lead together with the Tin.

XI.

Maker of White Zin, Selling and Seller fine-

We agree, constitute, and ordain, that if any Maker of White Droft to Pew. Tin shall sell, or Cause to be sold his Ashes, Schimping, or any terers, Buyer other his Leavings, after the Blowing of his Tin, to any Pewterer or Plumber, both Buyer and Seller being thereof convicted, shall be fined according to the Quantity of their Offence.

We agree, constitute and ordain, that the Poizer and Eslay-Master being Ministers in the Coinage Courts, their Deputies, and whoever else shall exercise either of these Places, either of them respectively, shall be sworn in the Stannary Court before they shall execute such Places, duly and justly to execute their said Services, and to decide and Pronounce rightly without Partiality between Party and Party, and shall take a Constat or Certificate of such their Places from the Court where they were sworn; and if they, or one of them shall execute their Places before they shall be sworn, they, and every of them respectively, shall forfeit Five Pounds for every Coinage they shall execute their Places unsworn.

XIII.

Tinners to ferve in no funor præd' Vid. Chart.

We present and affirm, that by our Franchise granted unto us in our Charter, the labouring Tinner ought not to be returned to Stannary, are serve, or be impannelled in Juries for the King, or between Party excepted by the and Party in any Court, but only in the Stannary-Court, saving in tangen' Stan- Causes excepted in our Charter, be tried by Jury of half Tinners and half Foreigners.

XIV.

Tinner to pay 4d.

We present and affirm, that the labouring Tinner working for Wages, ought not to pay Tithes out of his Wages, and that neither The Prince pays Wages, ought not to pay I this out of many the Bishop of the Wages Tinner, nor the Adventuring Tinner, ought to pay any Exeter in lieu Fine or Consideration to the Parson or Vicar, or their Proctors, of Tithes for for or out of their Labour, or Adventure for Tin.

Proclamation Court after the Pitch.

We agree, constitute and ordain, that whosoever shall pitch any of Bounds next Bounds, shall enter his Proclamation for the same in the Stannary Court where the Ground lieth, at the first that shall be holden after the said Pitch, in which Proclamation he shall set down the Day of the Pitch, the Names of his Fellow Owners, the Name of the faid Work, and the old Name also, together with the Place where the Bounds lie, or otherwise the Pitch to be void.

XVI.

Owners of Tin-Works to fet his Part

We agree, constitute, and ordain, that where there are many to Copartners in a Tin-Work, such Owners as upon the reasonable farm or bring Warning given them, thall not either fet their Parts to farm, or in his Men, or bring in their Men or Money according to their Parts, within one

Month

Month after they be fet, paying Cost and Spale for that Month, fuch Owners shall be excluded from venturing or adventuring in the faid Work during that Adventure, and shall have only such Farm as the Work is fet by the rest of the Owners, upon reasonable Warning. If it be a Work of Charge, and not of present Profit, a Set made by most Part of the Owners of the Tin-Work, by our Custom is and shall be good and available against the rest of the Compartners. And in Case where none of the Owners have made any Set, but all of them either adventure or forbear Entry, there the Farm shall be assessed by the Oaths of three indifferent Tinners, that are to be chosen, one by the Workers, one by the Owners not adventuring, and the third by the Steward of the Stannary-Court where the Work lieth.

We present and affirm our Custom to be, that neither Vice- No Officer of Warden, Steward, Bayliff, Lawyer, Attorney, nor any other, or be Owner of Practifer in the Stannary Jurisdiction, nor any great Person in the Tin-Works in County, nor any Man of Power among Tin-Works, nor their Children, Clerks, Servants, or Friends in Trust for them, directly or indirectly ought to be made Owners in any Tin-Works in Variance. And for that Rights in Tin-Works are many times overborn by Countenance, We further agree, constitute and ordain, that what Tinner soever shall give, sell, or promise directly or indirectly, any Tin-Works or Bounds in Variance, or any Part thereof, to any the seller to forfeit Persons aforesaid, or in Trust for them as aforesaid, shall forfeit 51. Five Pounds, and that the Gift, Sale, Promise or Disposition, shall Grant to be be deemed to be void in regard to them to whom it is made, void at to such and that the Right or Part so given or sold, promised or disposed, enure to shall enure to the Church-Wardens of the Parish where the Work Church-Wardens lieth for the Time being, and their Successors, towards the Relief dens for the of the Poor of the faid Parish.

XVIII.

We present and affirm our Custom to be, that whatsoever Tinners possession, how have been in quiet Possession of the Tin-Work by the Space of a available. Year and a Day, by himself, his Farmers or Workers, he ought not to be removed from the Possession, or dispossessed of his Farm-Tin, by any Command, Order, Sequestration, Injunction, or other Writ what soever, before that Verdict shall be against him for the Right of the Tin-Work. And in case where neither Party hath been in Possession of quiet working a Year and a Day, but that the vid. 1. Syd. Variance is about old Right and new Pitch, we agree, constitute, 247. and ordain, that the Workers that were first in, and discovered whoever first and ordain, that the Workers that were first in, and discovered enters, gains the Right, shall not be molested, but shall continue their Possession, a Property. until Verdict shall be against them upon the Title, but the Farm Geory and Bearcroft's in the Interim shall be sequestrated and deposited in Mesne Hands, Case, Bane' to answer to him that shall recover his legal Trial. to answer to him that shall recover his legal Trial.

XIX.

Any old Bounds

We agree, constitute, and ordain, that if any Owner, Partner, new cut by or Keeper of Bounds for other Men, shall suffer the said Bounds to to the Use of be unrenewed, and so become void, and shall not first declare and the old Owners give reasonable Warning unto the rest of the Owners, that he no longer will be Keeper of them, willing them to look to the keeping of them, and shall offer himself ready to shew them the four Corners; That in Case the new Pitch shall enure by way of remitting to the Behoof of the old Owners, faving to fuch of them as who were party or privy to the Fraud, whose shall accrue amongst the rest of the old Owners: And the Keeper, and every one that shall be party or privy to the Fraud (being thereof legally convicted by Verdict) shall forfeit and incur the Penalty of Twenty Pounds, the one half to the Lord Prince, and the other half to the Party or Parties grieved.

XX.

The Menfure of Measures. to have a Gal-

We agree, constitute and ordain, for Uniformity of Measure, all Vid. Stat. Black Tin that shall be sold to be derived by the Stat. Black Tin that shall be sold to be derived by the shall contain fix in H. 7. con- measured and pack'd by a sealed Gallon, which shall contain fix the state of the shall be sold and bound with Iron, and affered before the Sealing thereof before two sufficient Tinners Blowing-House upon their Oaths, to be returned by the Head Bayliff, whereof one to be a Buyer of Black Tin, or Owner of a Blowing-House, and the other shall be a Seller of Black Tin; and that every Blowing-House shall have a Gallon so sealed, for the Satisfaction of their Customers, in point of Proof in the Fire; and that whosoever shall buy or sell Tin by Measure, otherwise than by a Measure so sealed and affered, shall forfeit Ten Shillings for every such Offence.

XXI.

Black Tin to

We present and affirm our ancient Custom to be, that no Man be bought open- ought to buy or receive any Black Tin, otherwise than openly at a Wash from the Sheet, nor to buy or receive any Tin Stuff, or the Leavings of Blowing-Houses, from any suspicious Person that is not known to be an Adventurer for Tin, or a Worker of White Tin, or Owner in a Blowing-House. And for Reformation hereof, we agree, constitute and ordain, that whosoever shall otherwise buy or receive any Black Tin, than openly at a Wash, or before two fufficient Witnesses, or shall buy or receive any Tin Stuff, or Leavings of Blowing-Houses, otherwise than of honest Persons, and before two sufficient Witnesses at the least, as well the Seller as the Buyer and Receiver, shall forfeit double the Value of the Thing fold and delivered, and they shall further make full Recompence to the Party that shall be thereby wronged, either by Toll, Farm, Share, or otherwife; for Recovery whereof, the Party wronged shall have his Election to lay his Action against the Seller or Buyer at his Pleasure.

XXII.

We present and affirm, that by our Custom the Stannary-Stew- The Stewards ards ought to keep their Courts from three Weeks to three Weeks, every 3 Weeks. and not within, except the Law-Courts, or special Courts for the Trial of Rights of Tin-Works, to be held within the Bounds in question, and of customary Courts held usually the morrow after certain Fairs. And we agree, constitute, and ordain, that every Stannary-Steward, at the end of his general Court, before he adjourn the same, shall appoint, and cause to be proclaimed, the Day and Place of his next general Court, and shall give a Warrant to the Head Bayliff to call the same, and shall likewise give to the Head Bayliff a Warrant to call the Law-Court twenty Days before the Day of the faid Law-Court; and if the Steward shall offend in any of these Points, he shall forfeit Five Pounds, to be recovered in any of the Stannary Courts.

XXIII.

And we likewise constitute and ordain, that the Head Bayliff Head Bayliff shall cause every general Court to be called in the usual Market to call the Towns, at least ten Days before the Day of the Court, and the Law- ker. Courts to be so called at least fifteen Days before the same Day, and the Bayliff making Default herein, shall forfeit 40 s.

XXIV.

We find and present, that by our ancient Custom the Writs of stannary-Ext-Execution by Fieri fac' or Cap' Corp' issuing out of the Stannary-cution in Date Court, do stand and continue in Force by the Space of a Year and Day. a Day.

XXV.

We agree, constitute, and ordain, that no Warrant of Contempt A Return of shall be granted by the Vice-Warden or Steward, upon a Return of Rescous, the Person returna Rescous made upon a Bayliss's Oath, before such Time as the Party ed may trasupposed to be faulty shall be precepted in to appear for the Exami-verse the said nation of the same, and to produce his Witnesses for his clearing if found with therein; but if he shall not appear upon such Precept, the Warrant him shall be of Contempt to be granted against him, as against a Delinquent.

Vid. Stat'

XXVI.

We agree, constitute and ordain, that where a Surety is returned No Surety to be upon an Arrest, if the Surety shall not have indorsed his Name, or charged, unless Sign, upon the Back of the Warrant, with the Day when he became inderfed on the Surety, or otherwise, if the Bayliff cannot prove such Suretyship Warrant by one sufficient Witness at the least, the said Return to be deem'd Stat' 16 Car. void, and of no Force touching the Return of the Surety, but two Witnesses shall stand good against the Party arrested, and likewise upon com-Plaintiff and mon Bail the Return shall be void, unless the Bayliff shall be able Names in the to prove by the Party's Indorsement, or by one Witness at the Suit the Same,

least, and Damages

and none bailed on Arrest there before Such Note, and take but 4 d. for Such Note. Vid. Stat. ut supra.

least, that the Party arrested did consent to have Common Bail returned.

XXVII.

Declaration to be delivered in three Courts.

We present and affirm, that the Attorney ought to enter his Declaration at or before the Defendant's Appearance, or at farthest the third Court after the Arrest, at which time the Defendant, or his Attorney calling for his Copy, the Plaintiff's Attorney shall de-clare in Scriptis, otherwise the Steward shall enter a Nonsuit, which if he shall not do, the Defendant or his Attorney calling for it, the Steward shall forfeit 40 s. to the Party grieved.

XXVIII.

May drive an Audit through other Bounds.

We present and affirm our Custom to be, that a Tinner may bring an Audit through any other Mens Bounds in Wasterel without Leave, through which Audit he is to have a Passage only for his Water; but if he shall break Tin, or discover a Load in his Drift, or finking of Day-Shafts, he is to have no Benefit of the faid Tin or Load, but shall leave it wholly to the Owners of the Bounds within which it is.

And we further present and say, that we have not any Custom or Prefident to warrant a Tinner to bring an Audit to his Work through other Mens several Lands, nor to avoid his Water through another Man's Audit, without Science of the Owner of the several Lands, or of the Audit first had and obtained, and Composition made with them for the same.

XXIX.

Tything-Men We present and affirm, that by our right of Blackmore, being sworn Officers of Standary Officers of Standary Person within the said Standary of Blackmore to the said Court, ex Officio, without any Writ of Summons.

XXX.

What Writs lie in the Stannary. 4 Inft. 230.

We present and affirm the Writs of Prohibition lie in the Stannary-Court, in Case of Land, Life, and Lives, and in Case where the Stannary-Court doth proceed after that the Jurisdiction is outed by 3 Bulftr. 183. a Foreign Plea duly pleaded, and proceed; and that the Writ of per Coke, Habeas Corp' and of Corp' cum Causa, doth likewise lie in the Stannaries, and hath been usually returned; and that upon Cause in Owen Rep. 8. Court shewed, upon Return of the Court the Cause hath been re-Dyer, 23 Eliz. Court shewed, upon Return of the Court the Cause hath been re-fol. 376. No manded, and Procedendo in the Stannary. But we present and Writ of Error affirm, that the Writs of Certiorari of Error, or of falle Judgment, appeal to Stew. do not lie.

XXXI.

We agree, constitute and ordain, that if any Tin-Works under Bounds unwrought seven Bounds, hath lien, or shall lie unwrought by the Space of seven Tears may be Years, and if any Tinner shall be desirous to work the same, he fhall

shall fignify such his Purpose to the Owners of the said Work, or to most of them, and shall cause to be entred of Record upon the Court-Book, the Place where the faid Work lieth, and the Time of fuch his Declaration, to whom and before whom; and then if the Owners of the faid Work or fome of them, shall not work, fet, or procure the faid Work to be wrought within one Year next after fuch Declaration made unto them, if the Owners have not any other Work then in working by their own Adventure, it shall be lawful for the faid Person that gave such Warning to the Owners, to work the said Work at Farm as long as he will continue his Costs, therein paying to the Owner, if it be a dry Work, the seventh Dish to Farm, and if it be a Water-Work that draweth Water both Summer and Winter, but the ninth Dish to Farm; Provided, that before he enter into the Work, he shall give sufficient Caution, such as the Steward of the Stannary-Court shall allow, for the well and orderly Working and Preservation of the said Work, and that he shall not break the Pillory, Backs, Vaults, or Binding thereof, nor fill the Audit thereof to the Prejudice or Destruction of the said Work. But for Tin-Works in several Lands unbounded, which belong to the Lords of the Soil only, we affirm and say, that by our Custom no Tinner may work in several or unbounded Lands, without the Leave of the Lord or Owner of the Soil.

XXXII.

We present and affirm, that all Force in Matter of Tin, and Force in Tin going Armed to Tin-Works and Washes, is punishable by our Custom: punishable. And for making the Penalties thereof certain, we agree, declare, conflitute and ordain, that who oever shall forcibly enter into any Tin-Work, and disturb the Workers, and shall by Force and Violence take away and detain any Tin at any Wash, be it Share, or Toll, or Farm, from the Workers, Lords, or Owners in Possession respe-cively, being thereof convicted, shall satisfy to the Party wronged double the Value thereof, and shall further for the said Force, pay fuch Fine as the Judge before whom he shall be convicted shall assess, according to the Quantity of the Osfence, so as it be not under 5 1. nor above 20 1. And every one that shall be an Aider or Abetter therein, shall be subject to such Fine as the Judge before whom he shall be convicted shall asses, so as it exceed not half of the former Pains affelfed upon the principal Actors and Delinquents.

XXXIII. •

For that it is in the Tinner's Choice, whether he will coin in Coinage Duty, August, the Beginning of which Coinage is beyond the Memory of how payable. Conflictation the oldest Man living, or will stay till Michaelmas to coin at cheaper 1610 repealed. Rate, we think fit to leave August Coinage to the Will of the Tinner; but we agree to dissolve and disannul, and do repeal and revoke the former Constitution made Anno 1610, for deferring the Payment for Michaelmas until the 28th Day of November, which in former time was usually paid for at the Day of Deliverance, which was proclaimed upon the end of the Coinage. And upon N good

good Experience of the inconvenient growing upon the former Order, we agree, constitute and ordain, that the Tin which hereafter shall be coined at Michaelmas Coinage, shall be paid for within ten Days after the same is coined. And we likewise agree, constitute and ordain, that the Money which shall be due to the Tinner when his Tin is coined, his impressed Money being defaulted, shall be paid at the Pay-Day in the Coinage Town where the Tin is coined: And we defire the Farmers of the Peremption to give willing Consent to this our Ordinance, as they will expect our forward Endeavours to raise a Quantity of Tin, provided, that imprest Money shall be delivered where the Agent and the Tinners No Penalty to Shall agree.

be levied until after Tryal. Cro.Car.333 Rol. 314. A-dams's Cafe. and Deputy for procuring Order, &c. ceedings were held coram non Jud' and Prohibition granted. Forfeitures, half to the Prince, half to the Party grieved.

XXXIV.

For that every Subject delinquent of common Right, may claim, and ought to have the Benefit of the Law for his Trial, and for prayed against the Reason his Traverse is admitted him; we agree, constitute, and Lord Warden ordain, that no Forfeiture or Penalty shall be levied, or laid upon, or paid by any Delinquent by Force of these Ordinances, before he shall be thereof convicted by Confession, Default, or Verdict; and Decree for Pay- that upon such Conviction, the said Forseitures and Penalties, with ment of Money, that upon fuch Conviction, the fair to interest by Fieri fac' without Bill or Costs of Suit, shall be inflicted upon him, and levied by Fieri fac' Summons. Pro- upon his Goods, or by Imprisonment of the Body, by Cap' Corpus, until Satisfaction be made.

XXXV.

We agree, constitute and ordain, that one half of all the Forfeitures and pecuniary Mulcts, before in these Constitutions assessed, faving such of them as are wholly given to the Lord Prince, or particularly ordered to the Party grieved, or other particular Uses, shall accrue to the Lord Prince, and to be extracted and charged yearly to the Head Bayliff of the said Stannaries respectively, to be by them answered upon their Accounts at the Prince's Audit, and that the other Moiety or Halfendeal thereof, shall accrue and be for a common Stock for the Stannaries for defraying the necessary Charge, and common Burthens that shall come upon them, and for the Relief of the decrepid, maimed, or decay'd Tinners; which faid Moiety or Halfendeal, so ordered for a Common Stock, shall be levy'd by the Head Bayliff respectively, having Twelve Pence in the Pound for his Pains, in levying and collecting the same, and the Head Bayliff shall pay over the Residue thereof to the Receiver elected yearly to receive the fame.

XXXVI.

Receiver to be yearly chosen.

We agree, constitute, and ordain, that there shall be yearly at the first Law-Court that shall be after Michaelmas, Four Receivers chosen by the Grand Juries in the four Stannaries respectively, one in each Stannary, who shall receive and keep the common Stock, and shall yearly at the first Law-Court after Michaelmas, or at the first Law-Court then next tollowing, make their Account for the

fame

fame before the Steward of the Stannary and Grand Jury respectively, and shall pay over the Sum that shall be due upon the Foot of his Account, unto the next and succeeding Receiver, then to be chosen; provided that if there shall be no Election made at Michaelmas Law-Court, by reason of a Remanet ex Defectu upon the Non Appearance of a sull Grand Jury, that then the former Receiver shall stand and continue until a new shall be chosen. And we ordain, that nothing issued or paid out of the said common Stock by the said Receiver at any time, but by the Order and Consent of the Grand Jury of the said Stannary that made the Election, or of Twelve of them at the least.

XXXVII.

And we further enact, constitute and ordain, that for the Secu-Receiver to rity of the said common Stock in Case of Mortality, every Receiver give Security. Shall upon his Election enter into Bond to the last precedent Receiver, and the Foreman of the Grand Jury at the Time of his Election, or to the two Eldest of the Grand Jury, to make a just and true Account for all such Sum and Sums of Money as shall come to his Hands by vertue of his Office; and duly to pay over to the next succeeding Receiver, the Remnant that shall be due by him upon the Foot of his Account, the said new Receiver signing a Note indented of the Receipt thereof for the Discharge of his Predecessor; and the said Receiver shall likewise sign Notes of Receipt indented, to the Head Bayliss, or any other Person, of whom he shall receive any Money to the Use of the common Stock.

We who have subscribed our Hands upon Reviewing the Propofitions which were treated of in our Assembly, the aforesaid Articles to be sit to be established as they are above expressed.

Charles Trevanion,
Hugh Boscawen,
Jonathan Rashleigh,
Nicholas Kendal,
John Cooke,
Ambrose Manaton,
Nevil Bligh,
John Lampen,

John Bere,
John Polwheele,
Edward Coke;
Francis Gregor,
Jacob Danyell,
Hugh Bawden,
John Crocker,
Francis Godolphin.

Cornub' A T the Convocation of Twenty four Stannators, or Parliament of Tinners affembled for the Stannaries in Cornwall, held at Losswithiel in the said County of Cornwall, the 26th of October, in the second Year of the Reign of our Sovereign Lord James the Second, by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. and continued by several Adjournments and Prorogations to the 11th Day of October in the fourth Year of his said Majesty's Reign, before the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall and Devon, and one of the Lords of his Majesty's most Honourable Privy Council, by vertue of his Majesty's most gracious Royal Letter, under the Privy Seal to his said Lordship directed, bearing Date at Whitehall, the eighth Day of September, in the second Year of his Majesty's Reign.

Stannators of the Stannary of Blackmore.

Sir John Arundel, Knt.

Humphry Courtny,
Charles Trevanion,
Water Kendall,
Jonathan Rashleigh,
John Tanner,

Stannators of the Stannary of Tywarnbayle.

John Vyvyan,
John Predeaux,
Joseph Sawle,
Henry Vincent,
John Manley,
Richard Bonython,

Stannators of the Stannary of Foymore.

Sir John Coryton, Bart. Sir Bouchier Wrey, Bart. Sir John Molesworth, Knt. John Speccot, Esq; Nicholas Glyn, Esq; John Wadden, Esq;

Stannators of the Stannary of Penwith and Kirrier.

Sir John Carew, Bart.

Humphry Borlace,

William Arundell,

George Robinson,

Richard Hoblyn,

John Penneck, Gent.

First, We the above Four and Twenty Stannators, being duly elected and returned by the Four respective Mayors and Counsel of the several Towns of Lostwithiel, Truro, Helston, and Lanceston, to serve in this present Convocation or Parliament of Tinners, do find that King John, by his Charter, granted and confirmed to the Church of St. Peter's in Exon, and Simon Bishop of Exon and his Successors, the Tithe of the ancient Farm of the Tin in the Counties of Devon and Cornwall, with all Liberty and Customs thereunto belonging.

We likewise find, that the Tinners in Cornwall have, Time out of Mind, had and enjoyed diverse and sundry Liberties and Privileges, which Edward the First, by his Charter under the Great Seal of

England,

England, dated at Westminster the 10th of April, in the Thirty-third Year of his Reign, did confirm and grant some new Privileges, as by the Charter allowed in Parliament in the Thirty third Year of the Reign of Edward the First, and was again confirmed in the first Year of Edward the Third, and the Seventeenth of Edward the Third, as doth and may appear.

And we likewise find an Exposition of the said Charter of the Thirty third of Edward the First, that was made in the Parliament holden in the Fiftieth Year of Edward the Third, which faid Charter was confirmed in the Eighth Year of the Reign of Richard the Second, in the Third Year of Edward the Fourth, and in the first Year of Edward the Sixth, in the First and Second Years of Philip and Mary, and the Second Year of Queen Elizabeth.

We likewise find, that King Henry the Seventh granted a Charter of Pardon, with a new Grant and Declaration of Liberties and Privileges to the Tinners of Cornwall, in the Twenty third Year of his Reign, which faid Charter was also confirmed in the Twentieth

Year of the Reign of Queen Elizabeth. We find likewise, that several Convocations, or Parliaments of Tinners, have been from time to time held; but in the late horrid Rebellion against our late Sovereign Lord King Charles the First, of ever Blessed and Glorious Memory, in the Year 1644, the Rebels under the Command of the Earl of Effex, the Prince's Exchequer at Lostwithiel was plundered, and most of the Records destroyed. But we find, that at a Convocation, or Parliament of Tinners, held at Lostwithiel the 28th of September, in the Twenty second Year of King James the First, before the Right Honourable William Earl of Pembroke, then Lord Warden of the Stannaries, there were feveral Laws and Constitutions made in Affirmance of our Customs.

We find likewife, that at another Convocation or Parliament of Tinners, held at Lostwithiel aforesaid the 12th of August, in the Eleventh Year of the Reign of our Sovereign Lord King Charles the First, before the Right Honourable the Earl of Pembroke and Montgomery, then Lord Warden of the Stannaries of Devon and Cornwall. there were several Laws and Constitutions made in Affirmation of our Customs.

And we do likewise allow, ratifie, and confirm all the Ordinan-Ratification of ces and Declarations, made, declared and ordained in and by the former Laws. faid feveral Acts and Constitutions of Convocation, not altered, abridged, or made void by Act of Parliament, or by the Constitutions herein after made and ordained. And we do likewise approve, and confirm all our ancient and laudable Customs, relating to the Properties and Privileges of the Tinners. And for further Declaration of our Customs and Laws, and the ordering and settling such Matters as we think fit and necessary, upon mature Consideration, to be altered, ordained, or fettled for the better Government of the Stannaries of Cornwall, and the Good and Benefit of the Tinners therein, according to his Majesty's said gracious Commission granted and fignify'd to the Right Honourable the Lord Warden, for the Settlement of the Stannaries of Cornwall, and the Redress of all the

Abuses and Grievances therein, we do further agree, constitute and ordain in Manner and Form following.

Proclamation

Imprimis. We do agree, constitute, and ordain, that whosoever of Bounds the shall pitch any Bounds, shall enter his Proclamation of the same in the Stannary-Court where the Ground lieth, at the first Court that shall be held after the Pitch; in which Proclamation he shall put down the Day of the Pitch, the Names of his Fellow Owners, and the Party that cut them, and the true Bounds and Limits of the Corners thereof, otherwise the said Pitch to be void: And that also when any Pitch of new Bounds shall be entred in the Stannary-Court, the same shall be openly proclaimed at the Court, and two Courts following, before Writs of Possession shall be granted, and shall be ingrossed and posted up in some open Place in the Court, during the Continuance of such three Courts, before a Writ of Possession. And if any Person shall in any of the three Courts make Claim or Title against the said new Pitch, either by Reason of old Bounds or several Lands, he shall forthwith enter his Action of Trespals against the Person that cut the said Bounds, and the Perfons to whose Use the same were cut; and the Person so cutting, shall likewise give Notice in Writing, such Pitch to the Lord or Lords of the Fee of the Lands on which such Bounds are cut, or to some or one of his or their Stewards, Agents, or Servants, within one Year next after such Pitch, and shall prove such Notice given, before the Steward of the Stannary in which the Bounds are, within twelve Months after such Notice given, otherwise the Pitch to be void.

Cutting and renewing of Bounds .

Item, We present our ancient Custom to be, and do agree, constitute and ordain, that all Tin Bounds ought to have four Corners, which shall consist of twenty four Turfs, or Stones, six to each Corner. And we likewise find, that Side Bounds have been anciently used, and are still lawful to be used. And we do declare our Custom to be, that all Bounds must be renewed within a Year and a Day, and that Side Bounds shall be renewed so, whereof the Benefit shall be claimed. And we further declare our Custom to be, that in Case the Side Bounds be left void and unrenewed, and the Head Corner Bounds be renewed, the Benefit of the Side Bounds shall only be lost as to the Land they draw, but the Land within the Head or Corner Bounds shall remain well bounded.

Lord accepting Toll-Tin, bar-red of his Land-Dole.

Item, We do agree, constitute and ordain, if the Lord of the Soil (where Land-Dole is customary) do take and receive his Toll-Tin before he enter his Land-Dole, then the Lord of the Soil is and shall be barred of his Land-Dole; but if he enter into his Land-Dole before he take his Toll-Tin, then he shall have, possess, and enjoy both Land-Dole and Toll-Tin, else he shall have the Toll-Tin only.

IV. Item,

Item, We do agree our Custom to be, and accordingly constitute Bounds and and ordain, that Rights and Titles to Bounds, and Rights and Titles Chattele real. to Adventures to work for Tin, shall be in the Owners in the Nature of Chattels real, but shall be perpetually enjoyed from Executor to Executor, or Administrator, being renewed and continued according to Custom, and shall be Executory Assets subject to the Payment of Debts and Legacies, in fuch Order and Manner as other Goods and Chattels are by the Rule of the Common Law, but may be granted by Deed, or devised by Will.

Item, We do agree, constitute and ordain, that where for work- Adventurer ing any Tin-Work, drawing of Waters, digging of Drifts, Audits, may bring in or clearing of any Work of Water, if the major Part, or greater of Goods. Number of the Adventurers shall judge it necessary to buy or bring in Timber, Rag, Chain, or other Materials or Utenfils for the more effectual clearing of the faid Water, and the working the faid Work; then and in such Case each of the said Adventurers may buy or bring in his own Part and Proportion of the faid Goods, and shall not be forced to buy the same of any particular Merchant or Trader in the faid Goods, or Part-Adventurer, but of whom he pleaseth; and the Quantity, or how much of such Goods and Materials is necessary to be brought in and provided for the faid Work, The Price, &c. and the Price of fuch Goods and Materials shall be agreed upon by to be allowed the major Part of the Number of the Adventurers respectively, at the by the major Time of passing their Accounts for the said Work, and that due Part of the Adventurers Notice shall be given of the Time and Times of passing such Ac- at the Account. counts, at least one Week before the passing thereof, to such Ad- Notice to be venturer, or his Agent, or Servant, who is intrusted to manage the Accounts. faid Concern and Tin-Work for him; and when such Adventurers do not look after or manage the said Tin-Work in Person, he is to leave the Name in Writing of the Person he doth imploy to look after or manage his Right of Adventure, he shall give the like Notice in Writing of the Name and Habitation of the Person who shall manage the same for him.

VI.

Item, We do agree, constitute and ordain, that where there are Persons confeveral Adventurers in one Tin-Work, and any of the Costs and tracting only Charges of the faid Tin-Work for Goods or Wages, or otherwise, shall Wages or be behind and unpaid, the Party and Parties to whom any Money Goods. shall be due for Goods or Wages, shall only sue the Person or Persons who bought or contracted for the faid Goods, or hired or contracted with the Labourers to work in the faid Work, and not any other Adventurers. But in Case the said Person or Persons that bought the Goods, or hired the faid Labourers, be not in Arrears of his Costs and Charges about the said Adventure, the other Adventurers who are in Arrears shall make him Satisfaction for whatsoever

If any Person shall be recovered against him by such Suit, with his own Costs and contracting be Damages. And in case the Person so sued for more than his own not in Arrear, Costs shall amount unto, he shall have the like Remedy to recover Shall have his what he shall be forced to pay over and above the Arrears of his own Costs incurred, due at the Time of such Suit brought against him: And the like Remedies to be had for the Purfers and Captains of any Work. And in case the Party or Parties that shall be in Arrear of their Costs after such Account, their Tin and Tin Stuff shall be sequestred, and remain as Security until the Matter shall be tried.

VII.

Item, We do declare our ancient Custom to be, and do hereby or order and ordain, that no Shafts, or Pits for digging of Tin, shall suffering Shafts be made or wrought in any Highway to the Prejudice of the same, in Highways, and endangering the Safety and Lives of any of his Majesty's Subjects, in their Travelling through the said Way. And if any Perfon shall presume so to do, or the Owners of any Bounds, or the Lords of the Soil, shall knowingly suffer the same to be done, he and they so offending shall be indicted or presented for the same in any Leet or Law Court to be held for the Stannary wherein the faid Ways lie, and if convicted, he and they shall be grievously fined to the Duke of Cornwall, by the Discretion of the Steward; and the faid Steward shall cause the said Party or Parties so digging, or causing or suffering to be digged, such Shafts or Pits in the Highway, to fill up the same, and make such Highway plain and passable; and if such Person or Persons shall resuse or neglect so to do, they shall be committed to the Goal of Losswithiel until they pay the faid Fine, and make the faid Way passable.

VIII.

Persons breakthe Remedy.

Item, We do agree and ordain, that where any Tinner shall Ground in ano- work either in Wasterel or several, and shall make and break Tin ther's Right, under Ground, and the Party and Parties, who have either Bounds or feveral Lands wherein fuch Tin is made or wrought; and in case fuch Owner of the feveral Lands or Bounds fo contiguous or adjoining, shall suspect that the Party so digging is come into the Bounds, or Several under Ground, and hath wrought Tin there, the Owner of the Lands or Bounds fo adjoining, complaining thereof unto the Steward of the Stannaries, Vice Warden, or Lord Warden, or either of them, that then it shall or may be lawful for the Steward of the Stannaries, Vice Warden, or Lord Warden, or any of them, upon fuch Complaint made to them, or either of them in that Behalf, to nominate and appoint three sufficient indifferent Persons for to enter upon, and go down, by the Benefit or Use of the present Tackle or Ropes, unto such Work then used, and into all and every Shaft and Shafts fo near adjoining, which hath or shall be digged or wrought in, and to see and try by Measuring or otherwise, whether there be any Digging within the Limits of their Land or Bounds, to view the fame under Ground; and in case the Party so working, shall not

after fuch View to be had as aforefaid, and Notice thereupon given to defift to work any further within fuch Land or Bounds, that then the Owner or Owners of fuch adjoining Lands or Bounds, or fuch as claim under them, shall dig Shafts for the working of the faid Tin, and bringing up the same to Grass, and shall and may bring their Action of Trespass against the Owner or Adventurer that hath fo wrought Tin under Ground within their Lands or Bounds, and recovered the full Value of all the Tin Stuff and Tin Oar fo wrought within the Limits of the faid adjoining Bounds, or feveral Lands. after the time of such View and Notice given, together with the faid Costs of Suit, in case such Tin shall appear to be wrought within fuch adjoining Bounds or Lands. But if the Party shall defift fuch Working upon fuch View and Notice given, that then the Party fo working shall not be liable to any Action for what he hath digged or wrought before such Notice given. And we do lastly Ordain, that as often as any Trial shall be had touching any Digging under Ground, beyond the Lands or Bounds, it shall be by a special Court, if required by either Party so contending as aforesaid: And the Jury to try the said Cause shall come upon the Place, and go down into fuch Shafts, and view and measure the fame, and likewife view and measure the Extent of the Lands or Bounds upon the Surface for their Satisfaction; and the Extent of fuch Lands and Bounds shall then be shewn unto them. But this Law shall not extend to any working under Ground in the Drift of any Audit through any Wasterel Lands.

IX

Item, Whereas feveral Persons being sued in the Stannary-Courts, Such Distr' have upon Summons, or Distring' against their Goods, ordered some per Bayliff not to be allowed. or one Bayliff of the faid Stannary to cause an Appearance to be made in the faid Courts, whereby Proceedings have been against the faid Defendant, tho' fometimes the Defendant have no Notice of the Declaration, the same being delivered to the Bayliff by the Plaintiff's Attorney to carry to the Defendant: We do therefore agree, constitute and ordain, that henceforth no Appearance shall be taken Vid. Statut' upon any fuch Summons or Distring', except the Party appear in Car. 1. Person, or by some known Attorney of the said Court, who may be answerable to the said Defendant for any Neglect that may be in the Defence of the faid Suit; that so the Defendant may not be furprised by any Proceedings against him; and that if any other Attorney shall appear for any Defendant in the said Court, with Actorney apout the Desendant's Order, and be thereof legally convicted, he pearing without Orders, to shall forfeit the Sum of Ten Pounds, the one half to the Lord Duke forfeit 101. or King, the other half to the Party grieved, to be levied by Fieri fac' upon his Goods, and for Default of Goods, to be imprisoned at Lostwithiel until the Fine or Forseiture be paid.

Y

Item, We do agree, constitute and ordain, that every Tin Mea-Tin Measurer fure within the respective Stannaries shall be brought at every Law-Mich' Law-P Court Court.

Court at Michaelmas, to be viewed by the Twelve sworn according to the Custom; which if neglected to be done, the Owner of the faid Measure shall not sell or buy any Tin by the said Measure; and if he do, and be thereof convicted after Presentment, he shall make Fine as is already provided by the ancient Laws of the Stannaries.

Pin and Scales

Item, We do agree, constitute and ordain, that the Pin in the to be rediff'd Beams, and the Scales in each respective Coinage-Town within the mas Coinage. Stannaries of Cornwall, shall be rectified three Days before Michaelmas Coinage next, at every Michaelmas Coinage yearly; the fame to be done by the Supervisor and Comptroller at the Duke or King's Charges.

Coinage-Weights to be rectify'd.

Item, We agree, constitute and ordain, that all such Weights as have been appertaining to the Coinage of Tin, and have been used and accustomed before this Time to be used, ordered, and rectified from time to time, according to the Execution made in the Statute made in the Eleventh Year of King Henry the Seventh, touching Weights and Measures. And we further order and appoint, that one Pound Weight, confisting of Sixteen Ounces Averdupoiz, shall be had and made use of, when and as often as Occasion shall be and required in the Weighing in the Coinage in the respective Stannaries.

23 & 27 H.8.

5 l. for every Default, to be levied by Fi' fa' to the Use

Item, We do order, constitute and appoint, that the two Statutes to be given in and Acts of Parliament, the one made in the Twenty third, and Vid. this At the other in the Twenty seventh Year of King Henry the Eighth, conbereafter reci-ted in the lat- cerning the making of Hatches and Lyes, to prevent the choaking ter End of this of fresh Water Rivers, to be duly observed and given in Charge by Shall forfeit the Steward at every Law-Court.

fa' to the Use Item, We agree, constitute, and ordain, that every Cole-Pack of the Prince's to be used in Blowing-Houses, shall and ought to be and contain in Highness, one Measure three Bushels of Twenty Gallons to the said Bushel, and Profecutor. that all Owners of Blowing-Houses shall provide and keep at their Coal-Pack to Blowing-House a Cask of Sixty Gallons, with one End out for the contain sixty ready measuring of Coal brought to their respective Houses; the Gallons, and said Cask to be approved by two sufficient Persons on their respe-Blowing Hou- Cive Oaths, to be sworn by the Steward of the Stannaries wherein fer to keep a their respective Blowing-Houses lie, and then sealed by the said fure. Steward, who shall have Sixpence for the same.

Falfe Weights,

Item, That if any shall use double or deceitful Weights or Meafures in Buying or Selling Black or White Tin, contrary to the Weights

Weights and Measures of Sixteen Ounces to the Pound, appointed by the Laws of the Stannaries, and shall be thereof convicted by Presentment or Indicament in the Law-Court, he shall forfeit 10 1. to the Lord Duke or King; but if it be by Bill, Plaint, or Information, the one Moiety thereof shall be to the Lord Duke or King, the other Moiety thereof to the Party suing, who shall likewise recover his Costs and Charges.

XVI.

Item, We present and affirm our ancient Custom to be, That no Not to buy or Man ought to buy or receive any Tin, or Tin Stuff, or Black Tin, Night, or of otherwise than in the Day-time openly at a Wash from the Sheet, suspected Pernor to buy any Tin Stuff or Black Tin, or the Leavings of the font. Blowing Houses from any suspicious Person, that is not known to be an Adventurer for Tin, or Owner in a Blowing-House, or Owner of Lands or Bounds. For Reformation thereof, we do agree, constitute and ordain, that whosoever shall otherwise buy or receive any Tin Stuff, or Black Tin, or Leavings of Blowing Houses, than in the Day-time open at a Wash, before two sufficient Witnesses, or shall buy or receive any Tin Stuff, or Black Tin, or Leavings of Blowing-Houses, otherwise than of Persons reputed honest, and before two sufficient Witnesses at the least, as well the Buyer as the Seller shall forfeit double the Value of the Tin fold or delivered, and they shall further make full Recompence to the Party that shall be thereby wronged either in Toll, Farm, or Share, or otherwife; for the Recovery whereof the Party shall have his Election to lay his Action against the Buyer or the Seller at his Pleasure. And we do further constitute and ordain, that every such Buyer to enter Buyer of Black Tin shall enter on the Blowing-House Book, where the Name of he shall blow such Black Tin so by him or them bought, the Quan-whom he tity of such Tin, and the Names of the Person and Persons of bought the whom he bought the same; and that it shall be free for any Person the Blowing-whatsoever to inspect such Blowing-House Books. And if any House-Book. Person shall buy any Black Tin, and blow the same without entring the Quantity and Quality thereof, and of whom bought, in the Blowing-House Book as aforesaid, that then such Tin, together with any other Tin with which such Black Tin so bought as afore- Tin not entred faid shall be mixed, shall be liable to be seized, the one half to the may be seised. Lord Duke or King, the other to the Party seizing.

XVII.

Item, We do agree, constitute and ordain, that no Carrier of No Tin to be White Tin, or other Person whatsoever, shall take and carry any the Blowing-Slab, Block, or Piece of Tin from any Blowing-House before the House before Break of Day, nor after the Setting of the Sun, to any other Place Break of Day whatsoever, under the Penalty That such Person and Per- or after Sunfet. fons being privy thereunto and procuring the fame, thereof being Penalty. legally convicted, by Confession or Verdict before the Lord Warden, or Vice Warden, or Steward of the Stannaries within which the Tin shall be seised, shall forseit the full Value of the Tin by him or them so carry d, or procured to be carried as aforesaid, one half of

the faid Forfeitures to be to the Lord Duke or King, and the other half thereof to the Informer, who shall sue or prosecute for the fame, and likewise be committed to the Goal in Lostwithiel, there to remain without Bail or Mainprize for the Space of fix Months. No Piece of Tin And we do further order and ordain, that no Carrier, or other Weight to be Person shall carry or convey any Block, Slab, or Piece of Tin excarry dout of ceeding one Pound Weight, from the Blowing-House where the the common same shall be blown, otherwise than by the direct or common Coinage Town. Road leading from the Blowing-House to the Coinage Town, under the Penalty that fuch Person or Carrier who shall otherwise carry or convey the said Tin, being thereof legally convicted, shall likewise sorfeit the true Value thereof, the one half thereof to the Lord Duke or King, and the other Part thereof to the Person that shall sue or prosecute for the same, and shall also suffer Imprisonment in the Goal at Lostwithiel for the Space of fix Months, without Bail or Mainprize.

Penalty.

XVIII.

excep:

Item, We do declare that the Stannary-Courts are Courts of Re-Record de cord to be held from three Weeks to three Weeks, according to the trib' in trib' ancient Custom and Prescription; and that the Stewards thereof except Special shall so keep them by themselves or sufficient Deputies; the Courts ry Courts. to begin before Twelve of the Clock in the Forenoon, excepting the especial Courts to be held upon any Tin-Work; and the Courts held after certain Fairs, according to ancient Custom.

XIX.

Blowers not to answer for each others Defaults.

Item, We do agree, constitute and ordain, that where any Fine or Amercement shall be laid or imposed upon any Owner of a Blowing-House, or Blower, for their respective Faults, the same shall and may be levied upon any Goods belonging to such Owner or Blower respectively, for their respective Faults, and not the Goods the one for the other.

of whom the Item, We agree, contitute and ordans, that and most sufficient Grand Jury the respective Law-Courts, shall be of the best and most sufficient of Tip Lands Owners of Bounds, Ad-Stannators, to wit, Owners of Tin-Lands, Owners of Bounds, Adventurers for Tin, not being Merchants or Shopkeepers; and that there shall be Twenty four such Persons summoned by the Head Bayliff to attend fuch Grand Jury at every Law Court; and that fuch Law-Court shall be publickly proclaimed in two Market-Towns within the respective Stannaries, at least fifteen Days before the holding and keeping fuch Law-Court, fignifying the Time and Grand Juny Place of the keeping thereof; and that every Person that shall be Person, having summoned, having six Days Notice, and making Default, shall be tice. not ap- amerced any Sum not exceeding Forty Shillings, and that the pearing, to be Steward neglecting to keep such Law-Court, shall forseit the Sum Steward not of Twenty Pounds, the one half thereof to the Lord Duke or King, and the other half to him that shall prosecute the same.

XXI. Item,

of Law-Court.

keeping the Law-Court. Penalty.

XXI.

Item, We do agree, constitute and ordain, that when any Person, Duces teshall be arrested by any Writ or Capias out of the Stannary-Courts, cum, box returnable in the Stannary-Court, and by vertue thereof to be carried to the Goal of Lostwithiel, such Persons so imprisoned shall, or may have a Writ of Duces tecum granted to the Keeper of the faid Prison, upon the Request or Demand either of the Plaintist or such Prisoner at any Court, after the Writ or Process granted; and that the Keeper shall have 2 d. for every Mile he shall travel, in bringing the Keeper to have said Prisoner to the Court, and the like for conveying him back, if 2 d. a Mile, to he shall be remanded; to be paid by the Parties praying the said Parties prayhe shall be remanded; to be paid by the Parties praying the fuch ing it.

Writ: And if the said Keeper shall refuse or neglect to bring such ing it.

Writ: And if the said Keeper shall refuse or neglect to bring such ing the shall forfeit 5 1. for every such Contempt or Neglect, being con- Prisener, victed thereof, to be levied upon his Goods by Fieri fac', to the feit 5 1. to the Use of the Lord Duke or King, and shall likewise be subject and Ld. Duke, and liable to an Action of false Imprisonment by the Party so kept in Imprisonment. Prison, after such Writ of Duces tecum delivered to the said Keeper or his Deputy, by which the Party so grieved shall recover his Damages with Costs of Suit, to be levied upon the Goods of the Keeper of the faid Goal, by Fier' fac'. Provided the Person praying such Writ of Duces tecum, first give such Security as the Steward Party to give of the Stannaries where the same shall be granted, shall approve of, Security to in that the Keeper shall be free of all Assigns by reason of any Passing the that the Keeper shall be free of all Actions, by reason of any Rescous, Keeper. until the Person shall be returned to the Prison, if he shall be remanded, for taking which Security the Steward shall take no Fee.

XXII.

Item, If any Tinner, Worker, or Owner of Tin, do take, con- Tinners privey, alien, eloign, or defraud his Partners, or any of them, of any vately de-Parts or Parcels of Tin Stuff, Tin Oar, Brows, Spalls, Stones, Partners, for-Black Tin or White, to the Value of one Shilling, privately or fe-feir 51. cretly, with Intent of any manner of Fraud or Gain to his Partners, or any of them, he may be presented or indicted for the same in the Law-Courts of the Stannaries, and if convicted shall forfeit 5 1. to the Lord Duke or King; but if he or they be sued by Bill, Plaint, or Information, then the Lord Duke or King to have but the one half, and the Party fuing the other half, and recover Damages and Costs, wherein no Essoin, Wager of Law, or Protection to be allowed; but if the Fraud be not proved, then he that is fo troubled may bring his Action on the Case against the Informer, and recover Damages and Costs and Charges against him.

XXIII.

Item, If any Person knock, break, or spall any Tin Brows, Penalty of Rocks, or Stones, with any Hammer or Instrument whatsoever, at Person Breaking, Spalling, his own House, or in any secret Place, except it be where the Tin &c. privately. is wrought, or by Aslent of the Lord of the Soil, or Bounder, where the Tin is wrought at any other Place, the Tin shall be forfeited

Forfeit 40 S.

to the Lord of the Soil in Several, and to the Lord of the Soil and Bounder in Wasterel, according to their several Proportions, and the Offender and Worker of the same Tin with Hammer, shall be indicted or presented thereof, and if convicted shall forfeit 40 s. and if it be by Bill, Plaint, or Information, then the Lord Duke or King shall have the one half, and he that will sue for the same the other half, with Costs and Damages, wherein no Essoin, Wager of Law, or Protection to be allowed.

XXIV.

Warrants and Executions blank, to be by the Vice Warden.

Item, Whereas the Vice Warden hath heretofore figned the common Warrants, or Cap', and likewise blank Executions in the Marleft with the gent of them, and hath Fees for them; we do order, constitute Steward fign'd and appoint, that the faid Warrants and blank Executions shall be left in the Hand of the respective Stewards, and not delivered over to the Bayliff till the same be filled, that it may be known when fuch Warrants are used, which may be material in real Causes depending in the Courts.

XXV.

Barrifter or only to plead, &c.

Item, We agree, constitute and ordain, that no Person except a Sworn Attorney Barrifter at Law, or a fworn Attorney of one of his Majesty's Courts at Westminster, be admitted to plead or practice, as Counsel or Attorney, in any of the Stannary Courts.

XXVI.

Convocator to be no Jury-

Item, We do agree, constitute and ordain, that no Person being. a Member of a Convocation, shall at any time hereafter be returned or summoned to serve, or be in any Jury whatsoever in the Stannary-Courts, nor be amerced for and in relation to such Service.

XXVII.

Publishing Bayliffs.

Item, We agree, constitute, and ordain, that there shall be allowed for Publishing Baylists in every Stannary as followeth, viz. for the Stannary of Blackmore, twelve Bayliffs; for the Stannary of Penwith and Kirrier, twelve Bayliffs; for the Stannary of Tywarnbayle, ten Bayliffs; for the Stannary of Formore, four Bayliffs, and no more; and that the Names of the faid Bayliffs of the faid Stannaries, may be fet up in the Court-Hall of the Stannaries; and that the Table of Fees be likewife fet up in the faid Courts respectively; and that the Attorneys of the faid Court shall make and deliver their Bills of Costs to their Clients in English fairly written, and not in Court-Bayliff Sworn, Hand; and every such Bayliff shall be sworn by the Steward for the Time being, and enter into Recognizance before the Vice Warden or Steward, in 10 1. for his good abearing himself in his faid Office, or faid Place; and that every fuch Bayliff shall make Return in Person, at every Court, of all Processes that he shall execute according to his Oath, on Forfeiture of his Recognizance. But if any Person shall think fit, upon necessary Occasions, to imploy any Special Bayliff, at the Instance of the Plaintiff or his Attorney,

and enter into

Recognizance.

Fees.

torney, a Warrant may be granted to fuch Special Bayliffs. But in case of any Wrong, Injury, or Misdemeanour in the Execution of Injury of Specular Process, the Attorney or Plaintiss to be liable to make Satisfied by Atfaction to the Party injured, wherein he shall have his Costs. And torney or if any Bayliff shall make any false or undue Return of any Process, False Return. and fuch Bayliff shall be thereof convicted before the Steward, Vice Warden, or Lord Warden, he shall be fined according to the Quality of his Offence, which Fine shall be levied by Fieri fac' on his Goods, and for Default of his Goods, he shall be imprisoned at the Goal in Lostwithiel, there to remain until he shall pay such Fine, which Fine shall be to the Lord Duke or King. And if any Bayliff Bayliff breakbreak his Bond or Recognizance, and be thereof lawfully con- ing Recognizance to ferue victed, if ever after he be found ferving or executing any Stannary no more Pro-Process, he shall be imprisoned one Year.

XXVIII.

Item, We present and affirm, that by ancient Right and Custom Tything-Men. the Tything-Men of the eight Tythings in the Stannary of Black- is Blackmore more, viz. the Tything-Man of Trethenny, the Tything-Man of Officio. Boswith, the Tything-Man of Trevervin, the Tything-Man of Pridis, the Tything-Man of Trenance-Austle, the Tything-Man of Tre-medy, the Tything-Man of Tregonack; the Tything-Man of Melliack, being sworn Officers of that Court, shall or may warn or summon any Person or Persons within the said Stannary of Blackmore, to appear at the faid Court ex Officio, without any Writ or Summons.

XXIX.

Item, We agree, constitute and ordain, that the Officers of the How long the respective Coinages, shall continue and hold their respective Coin- be held. ages, every Coinage at the Town of Liskeard two working Days, at the Town of Lostwirbiel fix working Days, at the Town of Truro twelve working Days, at the Town of Helston fix working Days, at the Town of Penzance two working Days; and the same Officers shall in the Morning of the last Day of the said respective Coinages, make and publish a Proclamation by the publick Cryer of the said respective Coinage Towns, in the Street there, that they intend to adjourn the Coinage from such Town in the Evening of the said Day, so that the Tinners, and all other Persons concerned, may have Notice thereof. And we do further order, that the faid Coinage Officers shall begin in their respective Coinages yearly, and proceed to hold the same without Delay, all such Times as have been anciently used and accustomed for Coinage of Tin in the respedive Stannary Towns.

XXX.

Item, We do agree, constitute and ordain, that the Supervisors, coinage off-Poisers, and Essay-Masters, or Tare-Masters, being Ministers of the footn, or for Coinage, and their Deputies, and wholoever else shall exercise feit 10 l. eveneither of those Places, and all other Officers of the said Coinage, or Coinage. having Commissions or Deputations for their respective Places,

they and every of them respectively, and their respective Deputies, shall be sworn in the Stannary Court, or before the Lord Warden, or Vice Warden, before they shall execute their said Places, duly and justly to execute their faid Offices and Places, and to decide and pronounce rightly and without Partiality, between Party and Party, and shall take a Constat or Certificate of such their Oaths; and if they or any of them shall execute their Places before they are fworn, they and every of them respectively, shall forfeit 10 1. for every Coinage they shall so execute their Offices without being fworn; which faid 10 1. shall be recovered by Presentment or Indictment, or in the Stannaries Court, and shall be levied upon the Goods of the Parties so offending, and in Default of such Goods, by Imprisonment of the Person, the one half of the 101. to the Party that shall prosecute for the same, and the other half to the Lord Duke or King.

XXXI.

Uncoined Tin

Item, We do further constitute and ordain, that no Tin shall be not to be used fold to any Man to be carried out of the County, or to be used in the County, except it be first coined and smitten with the Hammer for negleting to that purpose ordained; and if the Comptroller or his Deputy shall on every Piece, neglect to put the Coinage, or Hammer Mark, upon every Piece of Tin weighed at or in the Coinage Hall, for which the Duty is paid or charged, the Comptroller or his Deputy so neglecting, shall forseit the Value of such Block or Blocks of Tin so not smitten, and shall likewise recompence the Tinner grieved all his Damages, to be recovered by Action upon the Case in the Stannary-Court, wherein he shall likewise have his Costs of Suit.

Penalty.

XXXII.

Tinner to put Item, We agree, constitute and ordain, that it shall and may be what he please lawful to and for every Tinner to put as many Pieces or Slabs of Tin (being his own Tin) in one Coinage Bill, as he thinks fit.

XXXIII.

Coinage not to be put off.

Item, That whereas last Midsummer Coinage was adjourned, kept and held after the Time, in which by the Laws and Customs of the Stannaries it ought to be, which Adjournment was contrary to the Rights and Privileges of the Tinners, and the Laws of the Stannaries: For a Settlement whereof, and that the said Adjournment may never be drawn into Example for the future, We do agree, constitute and ordain, that from henceforth the Comptroller and other Officers of the Coinage, shall not at any time hereafter adjourn or put off the Coinages, otherwife, or in any other Manner, than by the Laws and Orders of the Stannaries are appointed, declared, established and ordained; and that the said respective Officers of the Coinages, shall by themselves, or respective sufficient Deputy or Deputies respectively, give their due Attendance at the feveral respective Coinages, in the Time and Place appointed, limited and ordained by the Laws, Directions and Ordinances of the Stannaries,

Stannaries, and in Default of such due Attendance and Execution of their respective Offices, each Officer so failing and neglecting of their Duty, and being duly convicted thereof by Action of Debt, Bill, Plaint, or Information in the Stannary-Court, shall forfeit and lose for every Default the Sum of 40 l. besides Costs of Suit, to be levied upon his Goods and Chattels, or if the same be not sufficient, then by Imprisonment, by Writ of Capias ad satisfac, in the Goal of Lostwithiel, until the same shall be paid; one half of such Forseiture to the King, or Duke of Cornwal, and the other half to the Party suing or prosecuting for the same. In Confirmation whereof, the Right Honourable the Lord Warden hath hereunto put his Hand and Seal of the Dutchy of Cornwall; and the respective Stannators of the respective Stannaries above mentioned, their Hands have set the Sixteenth Day of October, 3 Jac. 2.

BATH.

John Carew,
John Coryton,
John Molesworth,
John Speccot,
Walter Kendal,
Nicholas Glyn,
Henry Vincent,
Humphry Courtney,
Bouchier Wrey,
Jonathan Rawleigh,

John Manly,
Joseph Sawle,
John Waddon,
John Tanner,
Richard Bonython,
William Arundel,
George Robinson,
Richard Hoblyn,
John Penneck.

A T the Convocation of Four and twenty Stannators, or Parliament of Tinners, assembled for the Stannaries in Cornwall, held at Losswitchiel in the said County of Cornwall, the Twenty sixth Day of October, in the Second Year of the Reign of our Sovereign Lord James the Second, by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. before the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall and Devon, and one of the Lords of his Majesty's most Honourable Privy Council, by Vertue of his Majesty's most gracious Commission under the Privy Seal to his said Lordship directed, bearing Date the Eighth Day of September in the said Second Year of his Majesty's Reign.

Stannators of the several Stannaries.

Blackmore.

Sir John Arundel, Kot.

Hend' Roberts,
Jonathan Rashleigh,
Walter Kendal,
Charles Trevannion,
Humphry Courtney,

Tywarnhaile.

John Arundel, Esq;
Sir Richard Edcomb, Knight of
the Bath.
John Prideaux,
Joseph Sawle,
Henry Vincent,
Richard Bonython,

Foymore.

Sir Bouchier Wrey, Bart.
Sir John Coryton Bart.
Sir John Molesworth, Knt.
Sir Hugh Piper, Knt.
John Speccott, Esq:
John Wadden, Esq;

Penwith and Kirrier.

Sir John Carew, Bart. Sir John St. Aubyn, Bart. William Arundel, Esq; Richard Hoblyn, Esq; George Robinson, Esq; John Pinneck, Gent.

We the abovesaid Four and twenty Stannators, being duly eleched and returned by the sour respective Mayors and Council of the several Towns of Lostwithiel, Truroe, Helstone and Launceston, to serve in this present Convocation, or Parliament of Tinners, according to the ancient Prescription and Usage of the said Stannaries, and assembled as aforesaid, took into Consideration these Articles following, viz.

For that the unanimous Consent of the full Four and twenty, according to the Letter of the Charter of Pardon, may not be put to every Ordinance propounded, to the end that our Endeavours for the want of one or few Voices may not fall to ground; we, following former Presidents and Usuage, do agree, constitute and ordain, that whatsoever Proposition shall be affirmed and concluded

by Sixteen or more in Convocation assembled, but not under the same, shall stand and be binding as the Act of us all.

We do nominate and appoint Bernard Kendal and Thomas Horwel, Gent. to be our Clerks, and to attend us and execute our Commands from time to time during this Convocation.

Ordered, Nemine contradicente, That Humphry Courtney, Esq; be Chairman of this Convocation.

Ordered, That the Fees of the feveral Courts of the Stannaries, fettled and agreed on by the last Convocation, shall be confirmed by this Convocation.

Ordered, That Humphry Courtney, Esq; William Arundel, Esq; Henry Vincent, Esq; Richard Hoblyn, Esq; George Robinson, Esq; and John Penneck, Gent. do inspect the last Journal, and all other Records and Papers which shall be in their keeping, or brought to them, which concern the Customs and Laws of the Stannaries, and make their Report to morrow setting the Court.

And then this Convocation adjourned till to morrow Nine of the Clock.

27 Octob. 1686.

Ordered by this Convocation, that Thanks be returned to the Lord Warden for his Speech to this Convocation, and that Sir Bouchier Wrey, Bart. Sir John Carew, and Sir Richard Edgcombe, be defired to wait on his Lordship, to know his Pleasure when he will receive the same.

Ordered, That Charles Trevannion, Esq; Henry Vincent, Esq; Richard Hoblyn, Esq; William Arundel, Esq; and John Penneck, Gent. and as many of this Convocation else as will, shall be a Committee to consider the Grievance mentioned in the Paper offered this Convocation, by Mr. Bryan Rogers and Mr. William Worth, and think of a Way to relieve the same.

Ordered, That in regard of the many great Concerns relating to the Tinners in general, that Six able Tinners be summoned by this Convocation, according to former Usage, out of each Stannary, to attend this Convocation.

Ordered, That the last Paper presented this Convocation by Mr. Bryan Rogers, be considered of to morrow Morning.

And then adjourned till to morrow Morning Nine of the Clock.

28 Odob. 1686.

Ordered, That the Lord Warden's Speech made to this Convocation when they first met, be read now, and that the said Speech be entred in this Book.

The Lord Warden's Speech to this Convocation the 26th of October, 1686.

Gentlemen,

I I S Majesty, in both the Commissions under his Privy Seal now read, hath been pleased so fully to express his Royal Pleasure in calling this Convocation, that it will be unnecessary for me to say much on this Occasion. I refer to my Vice Warden to lay before you the present State of the Stannaries, which I doubt not but he will perform to your Satisfaction; I shall only mind you of the great Obligation we owe, beyond all other Sub-

jects, to our most Gracious Sovereign.

When his Majesty succeeded his Royal Brother of ever blessed Memory, in the Throne of these Kingdoms, all, or the greatest Part of the Boroughs of this County had surrender'd their Franchies, together with their Charters, which his Majesty was graciously pleased to order forthwith to be restored, and regranted with such additional Liberties as they themselves could rationally desire; and, as a distinguishing Mark of his Royal Favour, gave express Command, that all the several new Charters should pass the respective Seals and Officers without paying Fees, a Royal Bounty and Goodness to us beyond Example.

'His Majesty hath likewise been graciously pleased, ever since the late horrid Rebellion, to commit the Government of this County to the Civil Magistrate, without any Guard of Soldiers, which the traiterous Attempts and wicked Inclinations of disloyal Men have rendred necessary for securing the Peace of the Kingdom. 'And, as a Continuance of his Majesty's Royal Grace and Favour to us, well knowing in his Princely Wisdom, that though all the Lands in Cornwall do not yield Tin, yet their Value in a great Measure depends on that Commodity, he hath commanded

this Convocation to be called merely to oblige and gratify our County, in reforming the Abuses of the Stannaries, and hath prevented even our Desires, declaring his gracious Intentions not only to establish and confirm, but also to augment the Liberties and Privileges which the Tinners claim and derive from the

Bounty of his Majesty's Royal Progenitors.

Gentlemen.

^{&#}x27;I am very glad of this Occasion to meet so many of my worthy
'Countrymen, and I shall not be wanting to you on my Part in
'any thing which may render this Meeting sully as beneficial and
'advantagious to the Tinners, as his Majesty hath most graciously
intended it.

'I am very confident, that an Assembly composed of such worthy, prudent, and loyal Persons of the best Interest and Quality of our County, as you are, will proceed in all things as you ought to do, for his Majesty's Service, and the Good of the Tinners, for which Ends only you are called; and that you will feriously resolve to carry on your Consultations with Gravity, Prudence, and all Duty to the King and Love to your Country, not permitting Factions or unnecessary Disputes to arise among you in your Debates, to hinder your Proceedings for the Publick Good. ' In Conclusion, I hope that we shall join unanimously together in Opinion, that his Majesty's great Confidence in the constant Loyalty of this County, his Goodness and Concern for our Ease and Prosperity, and the Pleasure his Majesty takes, after the Example of our late most Gracious King of Blessed Memory, of obliging us beyond other County's Subjects, are peculiar and extraordinary Obligations laid upon us to endeavour all we are capable to advance his Majesty's Service, Honour and Greatness; for it is most just, that our Lives and Fortunes be devoted to his Service, under whose gracious Protection it must be our own Faults if we do not continue to enjoy all Happiness, Wealth, Peace and Tranquility beyond all others whatsoever; for which we have Reason to bless God, and ever to pray according to our bounden Duty, for the long Life and prosperous Reign of our most Gracious Sovereign, King James the Second.

This Convocation is adjourned until Two of the Clock in the Afternoon.

The Paper Mr. Bryan Rogers offered this Convocation, is rejected; yet that each Stannary have a Copy of the said Paper, and that it be entred in this Book, and that Richard Hoblyn, Esq; George Robinson, Esq; and John Penneck, Gent. do draw the Reasons for rejecting it.

Which Paper follows in these Words.

Cornwall. WE most humbly offer to the Honourable Stannators at this Time assembled for the Preservation and Support of the poor labouring Tinners of this County, as also for maintaining of the Reputation of the Staple Commodity which this County doth afford, beyond any other Part of the World, that in case your Honours, who are now chosen to confirm all the antient and wholsome Laws, and to make such further Laws as in your grave Wisdom shall be thought sit; if your Honours shall think sit to engage for your selves, that you will not make Sale of any of the Tin which is properly your own, and that there may be added six Assistants of the most eminent Tinners of each Stannary, which may be obliged under the same Circumstances with your selves, not to sell the Tin which is properly yours or their own, and made by you or them under such a Rate as may be thought proper and reasonable by your Honours, which we with humble Submission

Submission to your Honours, 3 1. 5 s. per Cent. Merchant Weight uncoined, it may be a Means to keep this Staple Commodity in Esteem; and that if any Necessity lies on any indigent Tinner, the Stannators and Affistants of each respective Stannary do buy the fame, that to they may be relieved, and in one Year it may undoubtedly bring the faid Commodity into such Esteem, as that not only his Majesty's Revenue may thereby be advanced, but the Tinners have a more incouraging Price, and the Honourable Stannators a confiderable Advantage in their Estates.

Signed,

Bryan Rogers, William Worth.

The Names of the Affistants named this Convocation.

Blackmore.		Foymore.	
Charles Truboddy, Richard Scoble, Nicholas Toung, Thomas Carlyon, Stephen Robins, John Woolridge,	Gent.	Samuel Langford, jun Stephen Robins, Anthony Lyle, Henry Nowell, Thomas Jenkin, Alexander Rundle,	Gent.
Tywarnhaile.		Penwith and Kirrier.	
Edward Hoblyn of St. Humphry Tregea, Nicholas Francis, Michael Crocker, Coswith Martyn, Nicholas Kent	Enod', Gent. Gent.	John Pollard, Esq; Sampson Veal, Esq; Thomas Haweis, Stepben Mitchell, Anthony Cock, John Harris,	Gent.

Ordered, That the last Paper delivered to this Convocation by Mr. Bryan Rogers, be presented to the Right Honourable the Lord Warden; and that Sir Bouchier Wrey, Sir John Carew, Sir John Arundel, and Sir Richard Edgcombe wait on his Lordship with it. And then adjourned for balf an Hour.

Ordered, That the Reasons for rejecting the Paper brought to the Convocation by Mr. Bryan Rogers be left to be considered of until to morrow Morning.

And then adjourned till to morrow Morning Eight a Clock.

Ordered, That the Lord Warden be waited on to petition the King's Majesty for a Farm for the Tin not under the Price of 31. 125.6 d. per Cent. Stannary Weight.

Ordered, That Hender Roberes, Esq. John Arundel, Esq. Sir John Arundel, Knt. William Arundel and Richard Hoblyn, Eigs; or any

three of them, do go together and draw up an Address to be prefented to the Lord Warden for a Farm.

Ordered, That all the antient and laudable Laws and Customs of the Stannaries be prepared for the Royal Assent.

Ordered, That Henry Vincent, William Arundel, Richard Hoblyn, and George Robinson, Elqs; and John Penneck, Gent, or any three of them do meet together, and inspect the old Laws and Customs of the Stannaries, and prepare them against the next Meeting of the Convocation, for confirming and making of what new Laws shall be fit and expedient, and that all former Rolls, in whose Custody soever, be delivered into their Hands for their better Information, and are hereby impowered to send for others.

Ordered, That the Paper brought in by Sir John Arundel, concerning working Tin under Ground in others Bounds, and felling Black Tin, be taken into Confideration, and a Law prepared to prevent it.

And then adjourned for half an Hour.

Adjourned until two a Clock this Afternoon.

Ordered, That the Amendments now inserted in the Address to the Lord Warden by this Convocation, shall stand.

Ordered, That the faid Address, as now amended, be engroffed.

And then adjourned for half an Hour.

Ordered. That the Address be signed by all the Convocators, presented to the Lord Warden by them, and entred in this Book. To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall and Devon, and High Steward of his Majesty's Dutchy of Cornwall;

The Humble ADDRESS of the CONVOCATORS affembled in Convocation at Lostwithiell, the 26th Day of October, 1686,

Sheweth,

HAT forafmuch as through the Combination of Merchants, and other Buyers and Intermeddlers with White Tin, the Price thereof is very low, and the Tinners thereby discouraged from continuing and carrying on their Adventures, which every Day grow more chargeable, by Reason of the great Depth of the Works, and the Expences in drawing the Water, and diverse other Accidents, so that the working for Tin is in Danger to be utterly neglected, and consequently his Majesty's Duty arising out of that Commodity lessened, and the great Benefit and Advantage, which not only the Tinners, but all his Majesty's Subjects receive thereby, is in Danger to be loft, if not seasonably prevented; which we having taken into our ferious Confideration, and well knowing the great Care your Lordship hath still taken for the Good and Benefit of all the Tinners, and your constant Inclinations to do them all Acts of Kindness, as well as Justice, do by, and with the Petition of the most considerable Tinners of the several Stannaries now present, humbly defire your Lordship to represent their Condition to the King's most Excellent Majesty, and to pray his Majesty's Commission to your Lordship to treat with the Tinners in Convocation, for fettling a Farm for the Tin of this County at fuch a Price, not being less than 3 l. 12 s. 6 d. per Cent. Stannary Weight, as may encourage the faid Tinners to continue and improve their Adventures, which tend so much to his Majesty's Advantage, the Support of his Majesty's ancient Dutchy of Cornwall, and the Profit of the Realm.

Signed by all the Convocators.

To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall and Devon.

WE the Timers here present at this Convocation, being highly sensible of your Lordship's Kindness expressed to us and the Tinners in general, by your Honour's Speech in Favour of our Liberties and Customs, think our selves in Duty bound to return your Lordship our most humble Thanks, desiring your Lordship still to continue the same; in Presumption of which, we humbly beg your Lordship's future Kindness in affording your Lordship's Assistance to this honourable Convocation, for the advancing and settling the Price of our Tin, to prevent the Ruin and Poverty of the Tinners, as in your Lordship's Wisdom you shall think meet, and you will for ever oblige

Tour Honour's most Obliged Servants,

Bryan Rogers, Wr	y v	Vorth.
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Stephen Robyns,	John Wood,
Sampson Veal,	Nicholas Francis,
George Treweeke,	Humphry Tregea,
John Rogers,	Thomas Stephens,
Cosworth Martyn,	Nevell Tonken,
Nicholas Toung,	John Hayman,
Stephen Robyns,	Roger Hicks,
Henry Jenken,	Thomas Harris.

Ordered, That Thanks be returned to his Majesty for his gracious Commissions, and that the Committee for drawing the Address to the Lord Warden, draw up the same.

Ordered, That Sir John Carew and Sir Richard Edgcombe be added to the Committee for drawing up the same Thanks.

And then adjourned until Ten a Clock this Night.

Ordered, That the Address to his Majesty now read, be engrossed in Parchment, and entred in this Book.

And then adjourned until to morrow Eight a Clock in the Morning.

To the King's most Excellent Majesty.

E your Majesty's most Dutiful and Loyal Subjects, now allembled in a Convocation of Tinners for the County of Cornwall, at Losswithiel, the Twenty fixth Day of October, in the Second Year of your Majesty's Reign, by Vertue of your Majesty's most gracious Letters Patents, granted to the Right Honourable our Lord Warden of the Stannaries, to consult of our Laws and Culloms, and to fettle and reform the fame in what should be amis, do in all Humility and Thankfulness acknowledge your Majesty's most gracious Favour and Bounty, fignified by the faid Commissions to us, and the Body of the Tinners of this County, and declared to us by the Lord Warden; we have, in Pursuance of your Majesty's said Commission, several Matters relating to the Tinners under our Confideration, which will require Time to perfect, and as foon as we can compleat the same, we shall humbly lay it at your Majesty's Feet for your Majesty's Royal Confirmation; and we humbly implore the Continuance of your Majesty's Royal Bounty and Goodness to the said Tinners, who, as they have hitherto shewn their Loyalty and Duty to your Majesty's Royal Father and Brother of ever bleffed Memory, so we doubt not but they ever will devote their Lives and Fortunes to your Majesty's Service. pray for your Majesty's long Life and happy Reign, and shall upon all Occasions manifest our selves

Signed by all the Tour Majesty's most Dutiful and Loyal Subjects.
Convocators.

The 30th of October, 1686.

Adjourned to the Coinage Hall in Lostwithiell, and from thence adjourned until the first Day of February next at Lostwithiell.

Cornwall.

Cornwall. A T the Convocation held by Adjournment at Losswithiell, the 1st Day of February in the Second Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King over England, &c. Annog; Domini 1686.

Then met together,

Hend' Roberts, Henry Vincent, Efq; Humphry Courtney. George Robinson, Esq; Jonathan Rashleigh, John Penneck, Gent. Walter Kendall, Sir John Coryton, Bart. William Arundell. Efgrs; Sir John Molesworth, Knt. Richard Hoblyn, Sir Hugh Piper, Knt. John Arundell, John Speccott, Efq; John Prideaux, John Waddon, Esq; Joseph Sawle, Sir John Carew, Bart.

Ordered, That the Committee appointed for regulating the Customs of the Stannaries be, and the same is continued, to inspect and seal the Customs, and to prepare them against the next setting of the Convocation.

Ordered, That the Vice Warden be desired to return the Thanks of this Convocation to the Lord Warden, for his great Care and Pains in the Concern of the Tinners, and to signify their Desires for the Continuance of the same, and that they will give due Observance to his Lordship's Letter.

And then this Convocation adjourned to the 12th of April next.

To the Honourable the Convocators, or Parliament of Tinners now assembled.

We whose Names are subscribed, being chosen Assistants to the Honourable Convocation, having taken into our serious Considerations, that through the Combination of some Merchants, the Price of Tin is fallen very low, and the Tinners thereby discouraged from continuing and carrying on their Adventures, which every Day grow more chargeable, so that the working for Tin is in danger to be neglected, and consequently his Majesty's Duty arising out of that Commodity lessened, and the great Benefit and Advantage which not the Tinners only, but all his Majesty's Subjects receive thereby, is in danger to be lost, if not seasonably prevented; Do humbly represent the same to this Honourable Convocation, desiring you surther to represent the same to the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, desiring his Lordship's Intercession with the King's most excellent Majesty, to grant his Commission to some Persons to treat with the Tinners in Convocation for settling a Farm for the

Tin of this County of Cornwall, at such Price not being under 2 1. 12 5. 6 d. for every Hundred Pound Stannary Weight, as may encourage the faid Tinners to continue and improve their Adventures, which tends fo much to his Majesty's Advantage, and the Profits of his Subjects, &c.

Signed by,

John Pollard, Sampson Veale, Stephen Robyns, Charles Trubody, Richard Scoble, Edward Hoblyn. Thomas Carlyon, Stephen Robyns, John Woolridge.

Nicholas Francis. Nicholas Toung, Thomas Jenkin, Cosworth Martyn, John Harris, Humphry Tregea, Anthony Cock, Stephen Mitchell.

T the Convocation held at Lostwithiell by Adjournment the 12th Day of April, in the 3d Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annog; Domini 1687.

Then present,

Hendrick Roberts, Efq; Humphry Courtney, Esq; Sir John Carew, Bart. Sir John Corityn, Bart. Richard Hoblyn, Sir John Molesworth, Knt. Sir Hugh Piper, Knt. Walter Kendall, Esq;

Jonathan Rashleigh, George Robinson, John Speccott, Efqs; John Waddon, John Prideaux, Richard Bonython, William Arundel, John Penneck, Gent.

Ordered, That the Lord Warden's Letter to this Convocation, bearing Date the second Day of April instant, be entred in this Book.

Gentlemen and Worthy Countrymen,

N my last to my Vice Warden I did fignify to you how gracioully his Majesty was pleased to receive your Petition and Address, and to recommend it to the Care of the then Lord Treasurer, whose sudden Removal did retard the Progress, which otherwise might probably have been made in Reference to the fame.

I must now further acquaint you, that the Lords Commissioners of the Treasury having been of late taken up with many great and weighty Matters, have not had Leisure as yet so fully to consider the Proposals made by the Convocation relating to the Farm, as a Matter of that Importance doth require; so that 'tis impossible to obtain a Dispatch by the twelfth of this Instant, the time appointed for our next Meeting, tho' his Majesty has of late very particularly

recommended

recommended this Affair to the Lords Commissioners, as he hath formerly done to the Lord Treasurer; wherefore his Majesty hath commanded me to signify his Pleasure for adjourning the Convocation from the tweffth of this instant April, to the twenty seventh Day of July next ensuing; and to that Purpose I have directed my Vice-Warden to signify his Majesty's said Pleasure for the said Adjournment accordingly; by which Time, I make no Doubt, but his Majesty will be pleased to answer the Contents of your Petition, by giving Instructions and Commissions with full Power to treat and conclude a Farm.

In the mean time this Adjournment will give you further Opportunity, at leafure, to confider what new Laws are necessary to be made, and what old fit to be confirmed; so that it will be your own Faults, if the Government of the Stannaries be not hereafter more easy and advantagious than formerly, for the Benefit of the Tinners. I have only further to assure you, that as I have hitherto used all industry and Endeavours to promote this Affair, so I shall not be wanting still to contribute my utmost interest and Assistance to bring it to a happy ssue, for his Majesty's Service and the Good of the Tinners. I am forry I cannot be at your present Meeting, where I would certainly have been, could it have been done without Prejudice to the Trust you have reposed in me, my Sollicitation of this Business being absolutely necessary at this time. But I am sully resolved, God willing, to be personally present at the next Meeting, and so I remain,

Gentlemen,

St. 7 A M E S's, Apr. 2. 1687.

Tour most Affectionate Friend to feroe you,

BATH.

Ordered, That a Letter of Thanks be returned to the Lord Warden for his said Letter to this Convocation, and that Hendrick Roberts, Esq. Sir John Carew, Sir Hugh Piper, John Speccott and Richard Hoblyn, Esqs; do draw up the said Letter.

Ordered, That the Order of the King and Council, concerning the imbezelling of Tin by Night, be referred to the Committee for regulating the Customs of the Stannaries, and be entred in this Book. At the Court at White-Hall, the Fourth of February, 1686, by the King's most Excellent Majesty, and the Lords of his Majesty's most Honourable Privy Council.

TPON hearing this Day by Council learned, the Matter depending at the Board, touching a Seizure made for his Majesty's Use by Shadrach Vincent, Esq; of six Pieces of uncoined Tin claimed by James Kempe of Penryn in the County of Cornwall, Merchant, as the same was carry'd from Blowing-House in the Night towards Penryn, to be transported, as it was supposed; which Cause having been heard before the Vice-Warden of the Court of Stannaries,, and Judgment thereupon given for a new Trial, to be had by a Jury to be chosen out of the four Stannaries, his Majesty was pleased to confirm the said Judgment, and to order that a new Trial be accordingly had at the next Court of the Stannaries; and that the Right Honourable the Earl of Bath, Lord Warden of the Stannaries, do for the preventing the Embezelling and Conveying away of uncoined Tin, effectually recommend to the next Convocation of Tinners, to make such Laws as shall be judged expedient to hinder the Carriage of Tin by Night, so as his Majesty may not be defrauded of his Duties.

John Nicholas.

This Convocation adjourned for one Hour.

Ordered, that the Answer to the Lord Warden's Letter be entred in this Book.

Right Honourable,

E have received your Lordship's Letter of the second Instant, and do return your Lordship, both on the Behalf of our selves, and the Body of the Tinners of this County, our most humble and hearty Thanks for your Lordship's great Care and Pains, which your Lordship is pleased to take in order to the effecting the Requests we have formerly made to your Lordship on the Behalf of the Tinners, and for the good Progress your Lordship has made, humbly desiring the Continuance of your Lordship's Favour and Kindness therein. We shall adjourn to the 27th of July, according to your Lordship's Direction, and shall endeavour to provide such Laws, whereby his Majesty may not be defrauded in his Duties, by carrying of Tin by Night or otherwise; and to make such other Constitutions as shall be for his Majesty's Service, and the Good of the Tinners of this County. We rest

Loftwithiell, Apr. 12. 1687. Tour Lordship's most Humble Servants.

Signed by the Seventeen then affembled in Convocation.

Ordered,

Ordered, That Hendrick Roberts, Humphry Courtney, Walter Kendall, Jonathan Rashleigh, and Joseph Sawle, Esqs; or any three of them, do inspect the Standards of the Stannaries at Lostwithiell, and enquire what is become of the Weights which were heretofore remaining in Lostwithiell, and to make Report thereof at the next Setting of this Convocation.

Ordered, That this Convocation be adjourned to the Twenty feventh of July at Lostwithiell; and 'tis adjourned accordingly.

Cornwall. A T the Convocation held at Losswithiel by Adjournment the Twenty seventh of July, in the Third Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King over England, &c. Annog; Domini 1687.

Then appeared

John Arundell, Esq; Humphry Courtney, Esq; Sir John Carew, Bart. Sir John Molesworth, Knt. Walter Kendall, Esq; John Rashleigh, Esq; John Speccott, Esq;

John Prideaux, Esq;
Joseph Sawle, Esq;
John Waddon, Esq;
Richard Hoblyn, Esq;
William Arundell, Esq;
George Robinson, Esq;
John Penneck, Gent.

Ordered, That the Letter from the Lord Warden to the Vice-Warden be entred in this Book.

SIR,

FTER my hearty Commendations, these are to fignify to you, that the Death of some of our eminent Merchants, and the falling off of others that were treating for a Farm, hath put a present Stop to our Progress in the Tin Affair, so that 'tis impossible it should be brought to any Conclusion against the Time prefix'd for the next Meeting of the Convocation; however, I am not without Hope of good Success at the last, his Majesty having again taken the Matter into his own further Consideration, and also recommended the same to the Lords Commissioners of the Treasury. I hope the Result will be to the general Satisfaction, of all Benefit to the Stannaries, and the Interest of his Majesty's Revenue, wherein, as I have not hitherto, fo I shall not be wanting to contribute my utmost Endeavours, as Occasion shall require. I am therefore commanded to fignify unto you his Majesty's Pleafure, that you give Orders for the adjourning of the Convocation, if there be a sufficient Number of the Stannators present; if not, that you prorogue it from the Twenty seventh of this Instant July, to the Eleventh Day of October next ensuing; by which Time I intend, God willing, to be with you there at your Meeting, and bring down his Majesty's Pleasure and final Determination, which I hope will be for the publick Good of the Tinners, according to my Hearty Wishes, and faithful Endeavours to serve my Country, so recommending this to your Case, I bid you heartily sarewell, and remain

Tour very loving Friend,

St. J A M E S's, July 15, 1687.

BATH.

For his Majesty's Service.

For Sir Joseph Tredenham, Knt. Vice-Warden of the Stannaries of Cornwall, to be communicated to the Convocation of Stannaries nators at Loss withiell.

Ordered, That the Vice Warden be acquainted, that two of the Members of this Convocation are dead, and that he will acquaint the Lord Warden of it.

Ordered, That the Committee for inspecting the Lands of the Stannaries, be continued until the Eleventh Day of October next.

Ordered, That this Convocation be adjourned unto the Eleventh Day of Odober next; and this Convocation is adjourned accordingly.

Cornwall. A T the Convocation held at Losswithiell by Adjournment the Eleventh Day of October, in the Third Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annog; Domini 1687.

There not appearing Sixteen Convocators, which are the Number that can act, and not under, the Convocation was by the Vice-Warden, by Vertue of an Order from the Lord Warden, prorogued until the Ninth Day of Nevember following at Lestwitbiell, and by several Prorogations continued until the Fifteenth Day of December following, at Lestwithiell.

At which faid Fifteenth Day of December there appeared and met at Lastwithiell these Convocators, whose Names follow.

Blackmore.
Humphry Courtney, Esq;
Charles Trevannion, Esq;
Walter Kendall, Esq;

Tywarnhaile, John Prideaux, Esq; Joseph Sawle, Esq; Henry Vincent, Esq; Richard Bonython, Esq; John Manley, Esq; Foymore.
Sir John Conyton, Bart.
Sir John Molesworth, Knt.
John Speccot, Esq;
John Waddon, Esq;
Nicholas Glyn, Esq;
Pennith and Kirrier.
Sir Jahn Garem, Bart.
William Arundell, Esq;
George Robinson, Esq;
John Penneck, Gent.

At this Convocation the Mayor of Truroe returned John Manley, Elq; to be a Convocator in the room of John Arundell, Elq; now Lord Arundell.

At this Convocation the Mayor of Lanceston returned Nicholas Glynn, Esq; to be a Convocator in the room of Sir Hugh Piper deceased.

Ordered, That the Committee formerly named by this Convocation, for the inspecting and regulating the old Laws of the Stannaries, and making new Laws, be revived; and that Walter Kendall, John Waddon, Nicholas Glynn and John Manley, Esqs; be added to the faid Committee, and that any sour of them be a Quorum, and that they make their Report to this Convocation at their next Meeting.

Ordered, That the Letter from the King's Majesty to the Lord Warden, and the Lord Warden's Letter to the Vice-Warden, to be communicated to this Convocation, and now read to this Convocation, be entred in this Book.

JAMES R.

Ight trusty and right well-beloved Cousin and Counsellor, we greet you well. Whereas we have lately, by our Letters of Privy Seal, appointed and commanded You, Lord Warden of the Stannaries, to summon and call before you, in the ancient and accustomed Manner, a Parsiament or Convocation of Tinners within our Counties of Cornwall and Devon, for reforming the Abuses of our faid Stannaries, and for making fuch other additional new Laws as may be necessary for our Service, and the Benefit and Encouragement of our good Subjects the Tinners within our said Counties of Cornwall and Devon; and you have given us an Account that you have accordingly called and fummoned together in each of the faid Counties, a Parliament or Convocation of Tinners in the usual Places; and that you have revised the old, and made certain new Laws for the general Good of the Tinners, and reforming the faid Abuses of our Stannaries, according to our Pleasure express d in our said Letters of Privy Seal. Our Will and Pleasure therefore is, that you do at the next Meeting of the faid Parliament, or Convocarion of Tinners, cause to be transferred to our Lords Commissioners of our Treasury, an Abstract of such new Laws as are prepared for the Good of our Stannaries as before mentioned, that we may, accordingly as we think fit, give you our Royal Confent to enact the fame, as is accustomed in the like Cases. And whereas you have further presented to us several Petitions and Addresses, as well from the Body of the Tinners in general, as from the faid Parliament or Convocation of Tinners in particular, representing the low Estate of the faid Tinners, and defiring, in Compassion thereof, that we would commissionate you our said Warden to treat with the said

Tinners, in their Parliament or Convocation affembled in each of our faid Counties, for the Farm of all the Tin arising in Cornwall at 3 l. 12 s. 6 d. per Cent, and in Devon at 3 l. 15 s. per Cent. Stannary Weight, which you can truly bear us Witness: We did not only very graciously receive, but recommend the same to the Lords Commissioners of the Treasury as effectually as we could, who used all possible Endeavours, tho' without Effect, to procure Merchants to undertake the faid Farm at the faid Rates; but none could be found willing to engage therein at a much inferiour Price: So there being no Hopes left of proceeding in this Affair without any Merchants to our and the Country's Satisfaction, and you having then, besides your constant Sollicitations, made us some Proposals in Behalf of the faid Tinners to buy the faid Tin our felf, and manage the Farm by our Commission; which tho' we were not willing to do. having so many great and weighty Occasions for employing our Treasury, yet out of Consideration of the constant Loyalty of our faid Tinners, and out of just Compassion of their present ill Circumstances, we were graciously pleased, in Answer to your said Proposals, to declare our Pleasure in our Treasury-Chamber at Windsor, by our Order bearing Date the Sixteenth of August last, That we would be contented to advance the one half of all fuch Sums of Money as should be necessary to carry on the said Management in Partnership with other responsible Persons, sufficient to advance the Remainder, to be Compartners and equal Sharers in Profit and Lofs, at the Rate of 3 1. 10 s. per Cent. Stannary Weight, for all the Tin arifing in both the faid Counties, it being inconvenient and impracticable, and contrary to former Farms, to give any more for the Tin in one County than the other; which Price of 3 1. 10 s. per Cent. Stannary Weight, we are desirous the Counties should receive for their Tin, tho' the same is a greater Price than any Merchants we can yet find are willing to contract for; however, we are still resolved to make good the same on our Part, and do hereby confirm the Power and Authority given you of treating with Merchants and others touching this Affair, as contained in the faid Order of the Sixteenth of August last, signed by the Secretary of our Lords Commissioners of our Treasury, whereunto we refer you. But because we think it prudent, reasonable and just, before we grant you our Commission to treat with the said Parliament or Convocation of Tinners about the faid Farm, as is defired, that you first fignify unto us, whether the faid Tinners will accept the faid Price of 3 1. 10 s. per Cent. Stannary Weight; with our Royal Assurance, that if the said Tinners do agree unto the said Price, we will then, and not otherwise, grant unto you our Commission to treat and conclude about the faid Farm accordingly.

Lastly, Our Will and Pleasure is, that you communicate the Contents hereof to the said Parliament or Convocation of Tinners in each of our said Counties, and return a positive Answer of their Resolutions to the said Lords Commissioners of our Treasury, with all convenient

convenient Speed, and you shall have our further Commands and Instructions concerning the same; and so bid you heartily farewell. Given at our Court at Whitehall the Twenty ninth Day of November, in the Third Year of our Reign.

St. JAMES's, Dec. 7. 1687. By his Majesty's Command.

BELLASIS, GODOLPHIN, DOVER, ERULE. STEPHEN FOX.

Sir Joseph Tredenham,

FTER my hearty Commendations, these are to signify unto you, that I have here inclosed sent you his Majesty's Original Letter, to me counter-figned by the Lords Commissioners of the Treasury; wherein his Majesty is pleased to declare his Pleafure, and final Resolutions concerning the Stannaries, and the Tin Affair in particular, which I defire you to communicate to the Convocation or Parliament of Tinners; by which they will understand what Progress is made in it, and that I have not been wanting in the Sollicitation of that Matter, according to the Trust reposed in me. I am forry that I could not prevail with his Majesty to give 3 1. 12 5. 6 d. a Hundred for the Tin, as was defired in the Address from the Convocation, having used all the Arguments I could to persuade his Majesty to it. However, I must assure you, that the Price now proposed by his Majesty, is four Shillings per Cent. more than any Merchant would give for the Peremption and I defire the Convocation to take his Majesty's Coinage Duty. faid Letter into their Confideration, and to fend me their speedy Answer, that I may be able to give the King and the Lords Commissioners of the Treasury an Account of it, as it is expected. If the Price now offered by his Majesty be acceptable and satisfactory to the Tinners, I shall not think my Pains ill spent, and shall be ready still to contribute my Assistance; if not, they are at their own Liberty to do what they shall think most to their own Benefit and Advantage, I having done the utmost that was possible for me to do in this Affair.

As for the other Matters contained in his Majesty's Letter, I refer them likewise to the Convocation, hoping that they will not seperate till they have come to a Resolution, unless they shall think it necessary to make some short Adjournment, that they may consult with the Tinners.

I have nothing more to add at present, but my kind and due Respects to all my Worthy Countrymen the Gentlemen of the Convocation, whom I hope to have the Happiness of seeing thortly in the Country. So bidding you heartly farewell, I remain

Tour very loving Friend,

BATH.

Ordered,

Ordered, That the Affistants formerly named by this Convocation be revived, and that Notice be given to them to attend this Convocation, at the next Meeting of this Convocation.

Ordered, That Notice be given to the Affishants to attend this Convocation presently.

Ordered, That Sir John Coryton, Colonel Trevannion, John Speccot, Henry Vincent, and John Manley, Esqs; do go together and draw an Answer to the Lord Warden's Letter to the Vice-Warden, which was communicated by him to us.

This Convocation adjourned until to Morrow Morning Eight a Clock.

Ordered, That the Letter from the Convocation to the Lord Warden, be engrossed and entred in this Book.

My LORD,

CIR Joseph Tredenham, your Lordship's Vice-Warden, hath communicated to us affembled in Convocation held here this Day, his Majesty's gracious Letter under the Sign Manual, bearing Date at Whitehall the Twenty ninth of November last, directed to your Lordship, and likewise your Lordship's Letter directed to your said Vice-Warden; by which we are highly sensible of his Majesty's Grace and Favour to this County, and of your Lordship's extra-ordinary Kindness and Respect to the Tinners, by your Lordship's great Endeavours in promoting the Tin Affair; for which, on the Behalf of our felves and the Body of the Tinners, we humbly render unto your Lordship our hearty Acknowledgments, and pray the Continuance of your Lordship's Favour therein. And in further Pursuance of your Lordship's Directions, we have taken into our ferious Confideration the Price now proposed by his Majesty for a Farm for the Tin, being 2 s. 6 d. per Cent. less than was petitioned We do find it necessary to consult the most considerable Adventuring Tinners therein, and, in order thereunto, to make an Adjournment for some short Time, not doubting but that his Majesty's faid Price will be gratefully accepted. And in the mean time we shall proceed to prepare such Laws as shall be necessary for his Majesty's Service, and the Good of the Tinners of this County in general; and shall with all convenient Speed transmit an Abstract of them to your Lordship for his Majetty's Royal Consent, and remain,

My LORD,

Tour Lordship's most Humble Servants.

Signed by the Convocators then present.

Ordered,

Ordered, That all Orders formerly made by this Convocation, be revived.

This Convocation is adjourned till Two a Clock in the Afternoon.

Ordered, That the Bayliss of the several Stannaries, do summon and give notice unto the several Persons, in their several Precepts to them directed, that they appear and attend this Convocation on Monday next by Ten of the Clock in the Morning, and that notice be given to all the Convocators that are absent, that they attend at the same time.

This Convocation is adjourned unto Monday next, Ten a Clock in the Forenoon

Monday the 19th of December, 1687.

The Assistants heretofore named by this Convocation came this Day, and unanimously agreed to accept of the Price proposed by his Majesty for the Tin, being 3 1.105. per Cent. Stannary-Weight, and desired this Convocation that they would conclude with his Majesty at that Price, and for what Time this Convocation should think fit.

Ordered, That the Price of 3 1. 10 s. per Cent. Stannary Weight, proposed to be given by his Majesty for the Tin, be accepted as a reasonable Price by this Convocation; and that there be a Letter sent to the Lord Warden, to acquaint his Lordship of the Resolution of this Convocation, and that this Convocation are ready to treat with such Persons as his Majesty shall think sit.

Ordered, That Sir John Carew, Colonel Trevannion, John Speccot, Henry Vincent, and John Manley, do draw a Letter to fend to the Lord Warden, to acquaint him of the Resolution of this Convocation, relating to his Majesty's Letter and the Lord Warden's, about the Price of 3 l. 10 s. per Cent. for the Tin.

This Convocation is adjourned for Half an Hour.

Ordered, That the Letter reported by the Committee to the Lord Warden, be forthwith ingroffed and entred in this Book.

This Convocation is adjourned for Half an Hour.

My LORD,

Loftwithiel, Dec. 19. 1687.

Ursuant to our last Adjournment, we being this Day met in Convocation, have received the unanimous Confent, as well of the Assistants by us appointed to attend this Service, as also of diverse other principal Adventuring Tinners, to accept of the Price graciously proposed by his Majesty, being 3 l. 10 s. per Cent. Stannary Weight, for the Farm of the Tin of this County; and being very fensible of his Majesty's great Goodness to the Tinners in his faid Offer, we do humbly defire your Lordship, that you would be pleased to assure his Majesty, that we do chearfully, for our selves and the whole Body of the Tinners, accept of his Majesty's said Price: And this being the Business of greatest Weight before us, which we hope is thus far advanced to his Majesty's Satisfaction, but wherein we cannot further proceed without knowing his Majesty's further Pleasure, we do find it necessary to adjourn unto the Fourteenth Day of February next, at which time we hope to perfect fuch Laws as your Lordship may think worthy to be presented for his Majesty's Royal Consent, and do humbly beg your Lordship's Directions how we may be further serviceable to his Majesty, and fuch farther Commands as your Lordship shall think requisite in relation to this Affair. Thus defiring your Lordship's Acceptance of our humble and hearty Thanks for your Lordship's particular and great Favour to the Tinners, and this whole County, we do remain

Tour LORDSHIP's most Humble Servants.

Signed by all the Convocators then prefent.

This Convocation is adjourned unto the Fourteenth of February next, at Lostwithiel.

Cornwall. A T the Convocation held at Lostwithiel by Adjournment the Fourteenth Day of February, in the Fourth Year of the Reign of our Sovereign Lord James II. by the Grace of God King of England, &c. Annog; Domini, 1687.

There not appearing Sixteen of the Convocators, the Convocation was prorogued by the Vice Warden unto the Twenty eighth of this Instant February; and this Convocation was prorogued accordingly.

Cornwall. A T the Convocation held at Lostwithiel, by Prorogation the Twenty eighth Day of February, in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annoq; Domini 1687.

Then appeared for

Blackmore,	John Coryton, Bart.	
Humphry Courtney, Charles Trevannion, Walter Kendall, Jonathan Rashleigh, John Tanner,	John Molesworth, Knt. Sir Bouchier Wrey, Bart. John Speccot, Nicholas Glyn, John Wadden, Esqs;	
Tywarnhaile.	Penwith and Kirrier. Sir John Carew, Bart.	
John Prideaux, Joseph Sawle, Richard Bonython, John Manley	Humphry Borlase, Richard Hoblyn, George Robinson, John Penneck, Gent.	

Humphry Borlase, Esq; is elected and returned by the Mayor of Helstone and his Council, to serve in this Convocation in the Place of Sir John St. Awbyn, Bart. deceased.

Ordered, That the Vice Warden be acquainted by the Chairman of this Convocation, that Hendrick Roberts, Esq; one of the Members of this Convocation, is dead, and that a new one may be elected in his Place.

Ordered, That Humphry Borlase, Esq; Walter Kendall, Nicholas Glynn, John Waddon, Richard Hoblyn, John Manley, George Robinson, Esqs; and John Penneck, Gent. and as many others of the Convocators as will be present, or any three of them, do inspect the Laws of the Stannaries, and report them to this Convocation.

This Convocation is adjourned till Seven a Clock to morrow Morning.

29th of February, 1687. This Convocation is adjourned till Six of the Clock this Evening.

This Convocation is adjourned until to morrow Seven of the Clock in the Morning.

Thursday the Ist of March, 1687.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Sir John Molefworth, Humphry Borlase, Humphry Courtney, Esqs; do wait on the Lord Warden, and deliver a Copy of his Majesty's Letter to his Lordship, and do return the Thanks of this Convocation to his Lordship, for his Lordship's Speech, and his Lordship's great Care and Pains which his Lordship hath taken for the Welfare of the Tinners.

And then this Convocation adjourn'd till Three a Clock this Afternoon.

This Day John Tanner, Esq; was returned by the Mayor and Council of Losswithiell, to serve as a Convocator for the Stannary of Blackmore, in the Place of Hendrick Roberts, Esq; deceased.

JAMES R.

Ight truffy and right well-beloved Coufin and Counsellor, we greet you well. Our Will and Pleasure is, that you repair with all Conveniency into Cornwall and Devonshire, about the Affairs of our Stannaries, as well as to dispatch those other Things relating to our Service within your Lieutenancy. When you arrive there, you are, as Lord Warden of our said Stannaries, at your first meeting of the Convocation or Parliament of Tinners, assembled in both the said Counties, to declare in our Name, how well pleased and fatisfied we are with their speedy and effectual Return, and especially with their unanimous and general Consent, in Answer to our gracious Letter directed to you, of the Twenty ninth of November last, concerning the Price we were willing the Tinners should have for their Tin, of 3 l. 10s. per Cent. which we do hereby confirm again on our Part: But because so great an Undertaking doth not only require a confiderable Sum of Money to carry on fo great a Farm, but also other due and serious Considerations, it is possible we may not be ready so soon as this next Coinage; however, you may affure our good Subjects the faid Tinners, that we are positively resolved to proceed therein upon the said Price, either by way of Management by our Commission, or otherwise by Farmers, with all possible Speed we may, wherein all due Care shall be taken for the just Payment of the said Tinners according to the agreed Price. In the mean time you are to finish those Laws so long preparing for the Good of our Stannaries, and to pass them into Acts with our Royal Affent in the usual and accustomed Manner, referving still unto us Power of approving or disapproving them, or any of them, when they shall be presented to us for our Confirmation, all which we do recommend to your wonted Care and prudent Conduct; and so we bid you heartily farewel. Given at our Court at Whitehall, the Third Day of February, in the Third Year of our Reign. By his Majesty's Command.

GODOLPHIN, DOVER, ERULE.

To the right Trusty and well-beloved Cousin and Councellor, John Earl of Bath, Lord Warden of our Stannaries.

Ordered,

Ordered, That the King's Majesty's Letter to the Lord Warden be entred in this Book.

This Convocation is adjourned till to morrow Ten of the Clock.

Friday, March 2, 1687.
Ordered, That the Thanks of this Convocation be returned to the Lord Warden in Writing, for his Lordship's great Care and Pains in the Tin Affair.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Sir John Molesworth, Humphry Courtney, Jonathan Rashleigh, Richard Hoblyn, and John Manley, Esqs; do draw up an Address of Thanks to the Lord Warden.

To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall, the ADDRESS of the Convocation, or Parliament of Tinners, affembled at Lostwithiel the 28th Day of February, in the Third Year of his Majesty's Reign.

OUR Lordship having been pleased to communicate to us his Majesty's Letter, importing his Majesty's constant Royal Goodness and Bounty to the Tinners of this County, do find fresh Occasion to be sensible of your Lordship's great Care and Pains on the Behalf of the Body of the Tinners, for their Benefit and great Advantage; and do thereupon judge it our Duty, on the Behalf of the Tinners and our felves, to return your Lordship our most hearty Thanks and Acknowledgments, for your Care and fatiguable Endeavours, not doubting of the Continuance thereof. We are,

My LORD,

Signed by all the Convocators then present.

Tour Lordship's most Humble Servants.

This Convocation is adjourned until to morrow Eight of the Clock in the Morning.

Saturday, 3tio Martii, 1687, then present.

Blackmore.
Humphry Courtney, Efq;
Sir John Arundell, Knt.
Charles Trevannion, Efq;
Walter Kendall, Efq;
Jonathan Rashleigh, Efq;
John Tanner, Efq;

Tywarnhaile.
Sir R. Edgcombe, Knt. of the Bath.
John Prideaux, Elq;
Joseph Sawle, Elq;
Henry Vincent, Elq;
Richard Bonython, Elq;
John Manley, Elq;

Foymore.
Sir Bouchier Wrey, Bart.
Sir John Coryton, Bart.
Sir John Molesworth, Knt.
John Speccot, Esq;
Nicholas Glynn, Esq;
John Waddon, Esq;

Penwith and Kirrier.
Sir John Carew, Bart.
Humphry Borlase, Esq;
William Arundell, Esq;
Richard Hoblyn, Esq;
George Robinson, Esq;
John Penneck, Gent.

This Convocation doth agree and declare, Nemine contradicente, that the Property of the Tin is in the Tinners.

This Convocation doth adjourn till Two a Clock this Afternoon.

Ordered, That the Money raised for defraying of the necessary Charges of the Clerks, and other necessary Charges of this Convocation, and for the raising thereof, Sixpence upon every Hundred Weight of Tin, that shall be coined at our Lady-Day Coinage next, shall be paid by the Owners of the said Tin to the Receiver General of the Dutchy of Cornwall, or his Deputy, who is desired to receive the same, and to pay the same as this Convocation, or any Sixteen of them, shall appoint and direct.

Ordered, That the Thanks of this Convocation be returned to Mr. Nixon, the Lord Warden's Chaplain, for his great Pains which he hath taken about the Tin Affair, and that a Present of Forty Guineas be presented to him by this Convocation.

Ordered, That the Paper presented by Mr. Hoblyn and Mr. Manley to this Convocation, for the Head or Title of the new Laws, be fairly written and added to the said Laws.

Ordered, That Sir John Carew, Humphry Borlase, Humphry Courtney, Walter Kendall, John Manley, George Robinson, Sir John Molestworth, Richard Bonython, Nicholas Glynn, or any two of them, do examine the Papers that are to be presented to the Lord Warden for to be made into Laws, and to present them to his Lordship accordingly.

Ordered, That this Convocation be adjourned unto the Seventeenth Day of this Instant March, at Mr. Charles Bligh's House in Launceston, and that all the Members of the Convocation do attend at that Time. And this Convocation is adjourned accordingly.

Cornwall.

Cornwall. A T the Convocation held at Launceston by Adjournment from Losswithiel the Seventeenth Day of March in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annog; Domini 1687.

This Convocation is adjourned for one Quarter of an Hour.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Humphry Borlase, Sir John Molesworth, Humphry Courtney, John Speccot, Walter Kendall, Jonathan Rashleigh, Richard Hoblyn and John Manley, or any three of them, do inspect and present these Papers that are now amended by this Convocation and read unto them, unto the Lord Warden.

Ordered, That the Petition brought in by John Pollard, Esq; be left on the Table.

This Convocation is adjourned to Monday next, Ten of the Clock in the Forenoon, at Mr. Charles Bligh's House in Launceston.

Monday the 19th of March, 1687.

Ordered, That the Amendments made by the Committee of the Papers delivered by the Right Honourable the Lord Warden, do stand as they are amended.

Cornwall. A T the Convocation held at Lostwithiel by Adjournment the Twelfth Day of June, in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God, King over England, &c. Annog; Domini 1688.

This Convocation, for want of the Appearance of Sixteen of the Convocators, was by the Vice-Warden, in Obedience to the Lord Warden's Letter, adjourned and prorogued unto the Twenty first Day of this Instant June, at Lostwithiel.

Which Letter follows in these Words.

Sir Joseph Tredenham,

A FTER my Commendations, these are to signify unto you his Majesty's Pleasure, that the Convocation, or Parliament of Tinners, adjourn unto the Twenty first Day of this Instant June, and in case there should not be a sufficient Number of Stannators present to make an Adjournment, then you are hereby authorized and required to prorogue the said Convocation, or Parliament of Tinners, unto the said Twenty first Day of this Instant June, as aforesaid; and so I bid you heartily farewel, and remain

Tour very Loving Friend,

BATH.

My LORD,

SIR Joseph Tredenham having communicated to us your Lordship's Letter to him, dated at St. James's the Fifth of the last Month, and this being the first Opportunity we have since had, we do humbly beg your Lordship's Acceptance of our due Acknowledgments for your generous and constant Favours to this County, and particularly to our selves; and especially, that your Lordship was pleased so truly to represent our Duty to his Majesty, in Loyalty to whom we shall ever strive to follow your Lordship's noble Example; esteeming it our greatest Honour, as well as Happiness, to serve his Majesty upon the same Bottom of Loyalty with your Lordship, according to the Principle of the Church of England as by Law established. We remain,

My LORD,

Tour Lordship's most Humble Servants.

Cornwall. A T the Convocation held at Losswithiel by Prorogation the Twenty first Day of June, in the Fourth Year of the Reign of our Sovereign Lord James the Second, King of England, &c. Annog; Domini 1688.

This Convocation was by the Vice-Warden, for the Want of Sixteen Convocators Appearance, adjourned and prorogued unto the Sixth Day of July at Lostwithiel.

Cornwall. A T the Convocation held at Losswithiel by Prorogation and Adjournment the Seventeenth Day of July, in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annoq; Domini 1688.

Then appeared for

Blackmore,

Humphry Courtney, Charles Trevannion, Walter Kendall, Jonathan Rashleigh,

Tywarnhaile.

John Prideaux,
John Vyvyan,
Joseph Sawle,
Henry Vincent,
Richard Bonython,
John Manley,

Foymore,

Sir John Molesworth, Kat. John Speccot, Esq; Nicholas Glynn, Esq; John Waddon, Esq;

Penwith and Kirrier.

Sir John Carew, Bart. Richard Hoblyn, Esq; George Robinson, Esq;

At this Convocation the Mayor of Truroe returned John Vyuyan, Esq; to serve as a Convocator in the Stead of Sir Richard Edgcombe deceased.

Ordered, That the Lord Warden's Letter of the Eighteenth of June last; and the Articles of Agreement between the Lords Commissioners of the Treasury and the Lord Warden, bearing Date the Fourteenth of July instant, be entred in this Book.

Gentlemen,

St. James, June 18, 1688;

FTER fo many Adjournments and Prorogations without any Effect, you may reasonably expect some particular Account of our Transactions here, concerning the Tin Farm, which I shall readily do for your Satisfaction, as well as my own Vindication. The Truth is, at my Return from Cornwall in April last, I found a total Stop put to the whole Affair, infomuch that I did almost despair of ever compassing a Farm; for the Merchants that had bid fair, were fallen off, and the Lords Commissioners of the Treasury did not think fit to advise the King to lay out so great a Sum of Money upon it, fo many great and important Occasions daily arifing to employ his Majesty's Treasure. Nevertheless, tho' I found fuch a general Coldness and Indifferency in all People, I did resolve once more to take fresh Courage, and to give new Life to it, if I could, according to my repeated Promises, that I would use my utmost Endeavours to serve our Countrymen, in a Matter that I did conceive would be so beneficial to them, and to which I found them fo much inclined; and therefore I fought about with all Diligence for some new Undertaker, in which Search I met with greater Difficulty than I did before, the thing having been deferted by fome. and blown upon by others; some of which I found since to have been fet on work industriously by certain self-interested Persons, on purpose to blast our Designs, and to render your Endeavours, as well as mine, ineffectual. But at last I met with a Society of Merchants that are willing to come up to his Majesty's Terms, and the County's Price of 3 1. 10 s. per Cent. Stannary Weight; and they are Men of fuch Substance and Ability, that there can be no just Exceptions made against them. And here I must take the Liberty to inform you, that this Matter was managed with all the Care and Conduct I could use, wherein I was only concerned, which had like to have ruined the whole Business. The Things the Undertakers required, utterly resusing to adventure at all in the Farm, except they were granted, were, First, That I should treat and contract for them, concealing their Names till all Things were agreed; Secondly, That I should engage my self with them in the Farm. To the first of these I did readily consent; and tho' I was thereby engaged in all the Sollicitations fingly by my felf, yet I thought no Pains too great for the Benefit and Service of our Country: But as to the fecond, I must confess I was very unwilling to engage my

felf, by reason of the Hazard and Trouble that must necessarily attend a Matter of that Nature, and being totally unacquainted with the Methods and Dealings of Merchants: But finding a Necessity of doing it, or else the Farm would be inevitably lost, I was prevailed with, meerly upon that Consideration, and the Love I bear to my Country, to be obliged with them; which, I hope, will ferve to convince my Countrymen, that I did not resolve to convince them in Word only, and also that I am very well assured of the Ability of the Gentlemen, otherwise I should not so far have ingaged my felf with them. Thus you fee I have left no Stone un-turned to ferve the Tinners, but have been constant to my Pro-mises, however I have been sometimes misrepresented; and now I can acquaint you, that an Agreement is made for the Farm, and a mutual Contract figned, and there wants nothing but the Drawing and Ingroffing the Patents and Instruments, for sealing and compleating the whole Matter; and, it being one of the Articles of Agreement, that the Farm must begin at Midfammer, including Midfammer Coinage, it becomes necessary to adjourn the said Coinage for some short time, till the Patent be fealed, and the Farmers can transmit Money; but the Adjournment is as short as possible, that the poor fort of Tinners may not be long deprived of making the best Advantage of eheir Tin; and there flould have been no Adjournment at all, could there have been any other Expedient found out for the finishing this Affair for the Good of the Tinners. Thus I have given you a full and true Relation how this Buliness has been carried on, by which you will fee there have been no Endeavours wanting on my part to promote it, as the Bearer hereof, Mr. Nixon, whom I have fent express to you, can assure you more largely by Word of Mouth, who hath been all along an Eye-witness of it. So hoping that my Pains herein may prove as beneficial to our Countrymen in general, as they have been really to intended by me, I remain, read the migran of religioning by the kind of the design of

frant zu zum Gentlemen, if wahre in bles antalied nie fiele toerleit un

Tour very Affectionate Friend to ferve you,

Mar A Bolle and all them who have a multiplied on the large of the same of the large of the larg

A TICLES of Agreement indented, concluded and made the Twelfth Day of June, 1688, between the Right Honourable John Lord Bellasis, Sidney Lord Godolphin, Henry Lord Dover, Sir John Erule, Kt. and Sir Stephen Fox, Kt. Commissioners of his Majesty's Treasury, for, and on the Behalf of his Majesty, and pursuant to his Command, of the one Part; and the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, for and on the Behalf of himself and Partners, of the other Part.

HE faid John Earl of Bath, for himself, his Heirs, Executors and Administrators, doth covenant, promise, and grant, to and with the faid John Lord Bellafis, Sidney Lord Godolphin, Henry Lord Dover, Sir John Erule, and Sir Stephen Fox, and every of them, their, and every of their Executors and Administrators, by these Presents, that he the said John, Earl of Bath, and his Partners, who shall by his Procurement undertake with him in this Affair, the Survivor or Survivors of them, their Executors, Administrators, and Affigns, at their own proper Costs and Charges, shall and will from time to time buy and take all the Tin that shall be raised in the Stannaries of Cornwall and Devon, for eleven Years, to commence from the Twenty fourth of June instant, including the Tin that shall be coined at the next Midsummer Coinage, and to pay to the respective Tinners, or their Assigns, for all the said Tin, 31. 105. per Cent. Stannary Weight, or after that Rate for greater or lesser Quantities, according to his Majesty's gracious Promise made to the said Tinners; and shall and will also pay, or cause to be paid unto the King's most Excellent Majesty, his Heirs and Successors, into the Receipt of the Exchequer, or to the Receiver General of the Dutchy of Cornwall for the Time being, for a Farm to be granted to them under the Great Seal of England for the said Term of Eleven Years, of the fole Peremption of Tin, and of the Duty commonly called the Coinage Duty, viz. Four Shillings for every Hundred of Tin, which within the same time shall be coined within the Stannaries of Cornwall and Devon, including the said Coinage Duty for the Tin that shall be coined at next Misdummer Coinage, and excluding the faid Duty for the Tin which shall be coined at Midfummer Coinage, 1699; and also of the sole Privilege of making Pence, Half pence and Farthings of Tin, to pass throughout all his Majesty's Dominions, free of all Customs and other Duties whatsoever, for such Pence, Half-pence and farthings, as shall be Bona Fide coined to pals for Money, and be exported only for that Purpose, the yearly Rent of 1600 l. at two equal Payments in the Year, viz. Christmas and Midsummer, by equal Proportions, or within Twenty eight Days after each Feast; and shall and will cause the last half Year's Rent to be advanced and paid before hand; to wit, before the 29th Day of September next; and that he the faid Earl of Bath, shall and will procure and nominate Persons of sufficient Ability, and such as shall

be approved of by the faid Lords Commissioners of his Majesty's Treasury, to accept such Farm of the Premisses, and to enter into the Covenants and Agreements for Payment of the said Rent to his Majesty, and such other Covenants, to be inserted on the Part of the Farmers, as are herein after mentioned, viz. A Covenant that the Coinages of Tin may be continued as often as now they are used; That the Farmers, or their Agents, shall not, during the Term, fell any of their Tin in London for a greater Price than Five Pounds per Hundred, according to the Hundred Weight of Tin used in the City; unless his Majesty at any time or times shall think fit to allow them to sell their Tin there at a higher Price, or Prices; That the Pence, Halfpence, and Farthings to be coined by the said Farmers, shall be of such Value, that the very Tin whereof the faid Pence, Halfpence and Farthings shall be made, shall be worth the same Money as they pass for in all Places throughout his Majesty's Dominions, excepting only the Allowance of 2 d. per Pound for the Coinage; That the said Farmers shall not in any one of the first three Years of the said Term, coin more Pence, Halspence and Farthings, than shall amount to (by Tale) 10000 sterling, without his Majesty's Leave, nor shall after the said three Years, during the then Residue of the said Term, without the Leave of his Majesty, his Heirs or Successors, to be first had and obtained, coin more than that Sum yearly, and fuch other Covenants as are usual in Grants of the like Nature, and shall be reasonably and legally advised by his Majesty's learned Council. And the said Lords Commissioners of his Majesty's Treasury, are pleased to agree with the said Earl of Bath, that they the said Lords Commissioners, in case such sufficient Persons as aforesaid, to their good liking, be proposed and offered themselves, before the Nineteenth Day of June instant, to enter into a Farm, and contract as aforesaid, shall and will do their best Endeavours to obtain from his Majesty, under the Great Seal of England, all the Costs and Charges of the said Earl and his Partners, sufficient Letters Patents for demissing and granting to the said Earl of Bath, and such sufficient Persons as aforesaid, the said Peremption, Coinage Duty, and sole Privilege of making Pence, Halspence and Farthings, of such Value as aforesaid, at the yearly Rent before mentioned, to be payable as aforesaid, with half Year's Advance as is before mentioned; and also a Commission under the Great Seal of England, for authorizing them, or any of them, or any other Persons whom they shall nominate to be Commissioners, that they may with a better Authority act as his Majesty's Commissioners, as well as Farmers, in the Management of the said Farm, but without any Expence or Charge to his Majesty; and that a Clause may be inserted on his Majesty's Part, that if after the End of the three first Years of the said Term, the Farmers or Undertakers aforesaid shall make it appear to his Majesty, his Heirs or Successors, by the Accounts of their own Undertakings, that the same cannot be then carried on without Loss, unless his Majesty, his Heirs or Successors, will then be pleased to allow them a surther Liberty of Coinage of Pence, Halfpence, or Farthings,

beyond 10000 l. per Annum, but not to exceed 30000 l. per Annum; then his Majesty, his Heirs or Successors, shall either be graciously pleased to allow them that further Liberty of Coining, or else from thenceforth, upon the Application and humble Petition of the faid Farmers, release them from their Contract, which shall remain to be performed for the then Residue of the said Term; and that such other Articles may be inserted therein, by the Advice of his Majesty's learned Council, as may conduce to the Well-being of the faid Farm, and may be necessary for such an Undertaking. In Witness whereof, the Parties to these Presents have hereunto interchangeably fer their Hands and Seals the Day and Year abovefaid.

Sealed and delivered by? the Right Honourable Sidney Lord Godol-phin, Henry Lord William Lownder. Dover, Sir John Erule, and Sir Stephen Fox, in Presence of .

GODOLPHIN, DOVER, ERULE,

Ordered, That an Answer be returned to the Lord Warden's Letter of the Eighteenth of June last, and the Fourteenth of July instant; and that Sir John Carew, Colonel Trevannion, Mr. Courtney, Mr. Hoblyn, Mr. Vincent, and Mr. Manley do draw the faid Answer.

This Convocation is adjourned till Two a Clock in the Afternoon.

Gentlemen,

St. James's, July 14, 1688.

N my last of the Eighteenth past, I gave you an Account what Difficulties had been overcome, what Pains had been taken, in the Tin Affair, and how near it was brought to a Conclusion; and that you may see I dealt clearly with you, I sent an attested Copy of the Articles which were agreed on; and, lest they should miscarry by the common Post, I sent Mr. Nixon express with them, as I do now with these, with Instructions to inform you of Particulars,

too long for a Letter.

But by reason of the small Appearance at the last Meeting, I could receive no Answer either to the Letter or Articles, I presume therefore that this short Prorogation was made on purpose that you might have an Opportunity to confider of what was then written, after you had feen how it relished with the Tinners, and that you might adjust all Measures against my coming down, which I did intimate should be about the beginning of August, to which Time the Coinage is adjourned, that there might not be any Room for any Contest or new Difference prejudicial to the Tinners. But I am furprized, having fince heard of fome Diffatisfactions and Jealousies sprung up among some of the Tinners, which I could not expect; particularly, that they should imagine their Rights invaded by this short Adjournment of the Coinage, which was done meerly

for their Advantage, and was so absolutely necessary, that without

it there could be no Farm.

Indeed if this Coinage, which is a free Coinage, had been pretended to have been taken away, there had been just Reason for complaining; but to make a short Adjournment of it, you know, is in the Power even of the inferiour Officers of the Coinage, if they see Reason for it; much more is it his Majesty's Prerogative, especially on such an emergent Occasion as this is. Some other Colours and Pretences I have heard, which I shall not stand to recite, though they have cast some Damp upon the Undertakers; and, had it been in their Power, (which I took Care to prevent) would perhaps have dissolved the Contract. I must confess, I look upon these Surmises to arise from such only, whose private Interest renders them disassected to the Farm.

But if this, I hear, be the Judgment of the whole Convocation, if this be now the universal Sense of the Tinners; if the Farm which was so generally desired and petitioned for, be now thought really prejudicial, far be it from me to proceed further in it.

Nothing but the publick Good of our Country, and his Majesly's Service, could make me to ingage in it so far as I have done already, with so much Trouble, Hazard, and Inconveniencies to my self, as I mentioned to you in my last Letter, to which I refer you; I therefore desire a full Answer to all those Particulars, touching which I shall be glad to receive and know the Mind of the Tinners before the Seal be put to the Commission, to impower me to conclude with you in their Behalf, and the Patents pass'd for the Farmers, which are the only things remain to be done here.

I cannot but observe to you, that if this Opportunity be lost, the King will take new Measures, and all Expectations of this Nature, relating to a Farm, hereafter will be in vain. When the present Undertakers are discouraged and taken off, the poor Tinners will then be for ever condemned, I fear, to work in the Mines, and the Merchants carry away the Profits of their Labours, as they have done formerly, and use them at their Pleasure, when they lie at their Mercy, as by sad Experience foreseen on the like Occasion, offered in his late Majesty's Reign, for which I shall be most heartily forry, but it will then be no longer in my Power to remedy.

These things I recommend to your serious Considerations, which so nearly concern the Welfare, and almost the very Being of the

Tinners, according to which I shall proceed.

And if you shall think fit, as you have done formerly, and as ye yet really do, that the settled Price of 3 l. 10 s. per Cent. Stannary Weight, will in this Juncture be a Benefit and Encouragement to the Tinners, and be still acceptable to them, I shall then not only take Satisfaction in my past Trouble and Pains, but contribute my utmost Endeavours for the speedy Dispatch of this Affair hereabove, with his Majesty and the Lords Commissioners of the Treasury, and after that hasten down into the Country, that with your Concurrence we may confirm and establish a Thing which is intended, and in all Probability will prove, as I hope, to the great Advantage and Benefit

Benefit, not only of the Tinners, but of the whole County in general; affuring you, in all these Transactions I have been as careful as I could to preserve all the just Rights and Privileges of the Tinners, not suffering any thing to be offered or pretended to be binding to the Tinners, without the Advice and Consent of their Convocation: And that this short Adjournment of this present Coinage might be made as easy as possible, I have taken Order with the Merchants that are Undertakers for the same, forthwith to remit Money into the Country to supply the pressing Necessities of the poor Tinners, which I hope you will find to be effectually done accordingly. I am,

Gentlemen.

Tour most Affectionate Friend to Serve you,

For bis Majesty's Service. BATH. For Sir Joseph Tredenham, Knt. Vice-Warden of his Majesty's Stannaries of Cornwall, to be communicated to the Convocation or Parliament of Tinners at Lostwithiel.

Lestwithiel, the 17th of July, 1689,

OUR Lordship's Letters of the Eighteenth of June, and the Fourteenth of this Instant July, together with the Articles concerning the Farm of the Tin, have been communicated to us by your Vice Warden; and we return your Lordship our very hearty Thanks for the great Care and Pains your Lordship hath been pleafed to take for the Good and Benefit of the Tinners, and the Country in general, in the Conduct of the Business of the Farm, under so many Discouragements and Difficulties your Lordship hath met with therein: And as to the Particulars mentioned in your Lordship's said Letters which concern us, we still continue our Resolutions to accept of the Price of 3 l. 10 s. as formerly was consented; and we do find, that the Body of the Tinners are well fatisfied therewith; only the Wants of the poorer fort of Tinners have induced them to some Murmurings, in relation to the Adjournment of this Coinage, whereby they want the usual Supplies of Money which at this Time they expected. We have not heard, before your Lordship's Letter came, of any Supplies provided for the poorer fort of Tinners during this Adjournment, which we defire your Lordship We are of Opinion, that the faid Coinage, by the would hasten. Laws and Customs of the Stannaries, and the Rights and Privileges of the Tinners, can in no Case be adjourned, as long as there is Tin to be coined; and therefore we hope that Adjournment will be no President for the future. We shall adjourn our selves to the last Day of this Instant July, fo as to be ready to attend your Lordship at your coming into this County, in order to fettle and perfect a Bargain for the Farm of fuch Tin, and on fuch Terms as shall be

then agreed on; and we do pray the Continuance of your Lordship's Favour in the Settlement of the Laws of the Stannaries, and the Rights of the Tinners. We remain,

My LORD,

Signed by all the Convocators.

Tour Lordship's most Humble Servants.

Ordered, That the Letter now read, which is to be fent to the Lord Warden, be entred in this Book.

This Convocation doth agree and declare, Nemine contradicente, that the Adjournment of the last Midsummer Coinage, is contrary to the undoubted Rights of the Tinners.

Ordered, That Forty Guineas be paid Mr. Themas Nixon, out of the Money raised by this Convocation at 6d. per Hundred, and received by the Receiver General of the Dutchy of Cornwall.

Ordered, That Thirty Pounds be paid by the Receiver General of the Dutchy of Cornwall, or his Deputy, to Mr. Bernard Kendall, Mr. Thomas Horwell, and Mr. Thomas Pearce; and that the Receiver General of the Dutchy of Cornwall, or his Deputy, do attend this Convocation at Losswithiel, on the last Day of this Instant July, at Losswithiel.

This Convocation is adjourned unto the last Day of this Instant July, at Lostwithiel.

Cornwall. A T the Convocation held at Losswithiel by Adjournment the last Day of July in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annog; Domini 1688.

For want of the Appearance of Sixteen Convocators, the Vice Warden, by the Lord Warden's Order, prorogued this Convocation to the Sixth Day of September next, at Lostwithiel.

Which Order follows.

St. James's, July 22, 1688.

IN my last I promised, that by this Post you should have a further Account what Measures were intended to be taken in the Tin Affair, with full Instructions concerning the next Prorogation of the Convocation or Parliament of Tinners, which I now send you accordingly by Express, from Major Hooke of Plymouth.

The Case in brief stands thus; You know, that by reason of those Murmurings and Jealousies that came to my Ears, it was necessary that before I proceeded any farther, I should know the

Sense and Judgment of the Tinners in general, which I did receive in a Letter from the Convocation by Mr. Nixon, with as great Speed as I could possibly expect; yet there is so little Time left me to turn in, the Coinage coming on so very fast, that 'tis impossible to compleat and finish every thing by that time. I find no new Difficulties to arise from the thing it self on any hand; but the Court being now removed to Windsor, and the Lords Commissioners of the Treasury having adjourned for Ten Days, the Progress must need be slower, and the Accomplishment require longer Time than our present Circumstances will allow; however, I shall take Care to see that done which is most necessary to be done, viz. I will take as effectual Orders as I can, that some of the Farmers shall come down against the Coinage, with a sufficient Fund of ready Money, to take off all the Tin that shall be coined at the Farm Price, according to the Articles, which having been mutually consented to and accepted of, must oblige all Persons, till the Patents and Commissions can be persected and sealed.

This, I doubt not, will convince the County, that his Majesty is in earnest, and I hope will be so far from meeting with any Opposition or Difficulty, that it will be to the general Satisfaction; especially having so lately received the Opinion of the Convocation in their last said Letter, how acceptable a Farm will be to the

Tinners of Cornwall.

It has cost me no small Pains to get speedy Supplies remitted into the Country, to make this present Adjournment of the Coinage as eafy as possible to the poor Tinners; and you may assure my Countrymen, that what was now done of Necessity shall never be drawn into a President for the suture, to the Prejudice of the Tinners; it having been, and shall continue to be, my Study to preferve the Rights and Privileges of the Stannaries, free from Invafions and Incroachments, refolving to do nothing that shall bind them, without the Advice and Consent of their Convocation.

I shall endeavour with all Speed to get my Commission to treat and conclude with the Convocation, the Farmers Patent and the Stannary-Laws all perfected, so that one Journey more, I hope, will fix this great Concern, which has been to long depending, and put a Period to the frequent Troubles it has given you and the reft of the Gentlemen of the Convocation. In the mean time, it is his Majesty's Pleasure that you prorogue the said Convocation from the last Day of this instant July to the fixth Day of September, which will be betwixt the two Coinages; so that if any thing appear fit to be redressed on either Side in this Coinage, it may be considered and amended by the Convocation against the next. I remain,

Ordered, That the Commillion from As I Zefty, with the Ar-

oil fill stort of chobis Tour most Affectionate Friend, sonn estais HTA Gion concerning the harm, be coured in this Book.

For Sir Joseph Tredenham, Vice-Warden of the Stannaries of Cornwall:

Cornwall.

Cornwall. A T the Convocation held at Lostwithiel by Adjournment the Sixth Day of September in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. 1688.

This Convocation was prorogued by the Vice-Warden to the Twentieth Day of this Instant September, at Lostwithiel.

Cornwall. A T the Convocation held at Losswithiel by Prorogation, the Twentieth Day of September, in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annoq; Domini 1688.

Blackmore.

Charles Trevannion,
Humphry Courtney,
Walter Kendall,
Fonathan Rashleigh,
John Tanner,

Tywarnhaile.

John Vyuyan,
John Prideaux,
Joseph Sawle,
Henry Vincent,
Richard Bonython,
John Manley,

Cornwall.

Foymore.

Sir Bouchier Wrey, Bart: Sir John Coryton, Bart. Sir John Molesworth, Kt. John Speccot, Esq; Nicholas Glynn, Esq; John Waddon, Esq;

Penwith and Kirrier.

Sir John Carew, Bart.
Humphry Borlase, Esq;
William Arundell, Esq;
Richard Hoblyn, Esq;
George Robinson, Esq;
John Penneck, Gent.

For Sir Joseph Tredenham, Fice Varden

Ordered, That all Proceedings of this Convocation, by reason of the Prorogation, be revived.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Humpbry Borlafe, and Colonel Trevannion, wait on the Lord Warden for a Copy of his Majesty's Commission, and Articles annexed thereunto, and of his Lordship's Speech.

And then adjourned to Three a Clock in the Afternoon.

Ordered, That the Commission from his Majesty, with the Articles annexed, directed to the Lord Warden, to treat with the Convocation concerning the Farm, be entred in this Book.

JAMES

ing care than fach Agreement be may AMES the Second, by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our right trufty and right well beloved Gousin and Counsellor, John Barl of Bath, Lord Warden of the Stannaries. Whereas the Tinners of our Stannaries in Connwall and Deven, in their respective Parliament or Convocation affembled, did by you our Warden in the Year 1686, humbly complain and represent unto us the great Decay of our Stannaries, occasioned by the Combination of Merchants, whereby the Price of Tin was funk to low, as that their Labour and Adventures were wholly discouraged; and therefore humbly prayed that we would grant our Commission unto you, to ereat with them for our taking all their Tin in Farm, at fuch a Rate as might encourage their Adventures; and whereas we were thereupon graciously pleased, out of the Consideration of the constant Loyalty of our faid Tinners, and out of our just Sense and Compassion of their ill Circumstances, to declare our Pleasure in our Treasury-Chamber at Windsor, by our Order bearing Date the Sixteenth Day of August last, that we would be content to take all the Tin that should be found within our faid Stannaries, at the Rate of 3 1. 10 s. per Cent. Stannary Weight, being much beyond the then Price current, or what could otherwise be by them hoped for by any other Means: And whereas by our Order of the Twenty ninth of November last, given at our Court at Whitehall, we were further pleased to direct you our Weiden to lignify white us, whether the faid Tinners would accept of the Price, with an Affarance that in case they did, that we would then, and not otherwise, grant our Commission unto you, to treat and conclude with them thereupon. And whereas, purfuent to our faid Order, you have communicated fuch our Royal Pleasure therein, unto the respective Parliaments or Convocations of the Tinners of the respective Counties of Command and Devon, who have by certain instruments under the Hands of the respective Members, of and in the respective Parliaments or Convocations, dated the one at Loftwithiel for the Stannaties of Commall, the Nineteenth of December 1687, and the other at Tavifieck for the Stannaries of Deven, the Fourteenth Day of the fame Month of December, with all humble Thankfulpels declared their chearful Affent to the faid Price of 31. 101, per Gent. Stannary Weight. We therefore, for the more effectual putting our faid good Intentions towards our faid Subjects in Execution, do by Vertue bereof require and authorize you our Warden of the Stannaries, that you forthwith repair to the Towns of Lestwithiel and Tavillocke in the faid Counties, or to such other Places as you hall think most convenient for the respective Parliaments, on Convocations of the Tippers of the faid respective Counties to be adjourned unto; and that you for us and in our Behalf, compleat and execute the faid Agreement, and other our gracious Condescensions, according to the Effect and Instructions in the Articles annexed, with all usual and necessary Claufes and Covenants for the rendring odt

the same effectual, according to our just and favourable Intentions towards our said Subjects, taking care that such Agreement be made and ratified on our faid Subjects Behalf in the respective Parliaments, or Convocations of Tinners. And our further Will and Pleasure is, and we do hereby authorize you on our Behalf, and on the Behalf of our dearly beloved only Son the Prince, Duke of Cornwall, to affent unto all as shall be agreed upon and presented unto you by the respective Parliaments, or Convocations of Tinners, for the Welfare and good Government of the Stannaries, in such manner as hath been accustomed, and for so doing this shall be your Warrant. And whereas fince the Transactions abovesaid, it hath pleased God to bless us with a Son, who is by Birth Duke of Cornwall, and all our Interest in the Stannaries is thereupon devolved upon our faid dearly beloved Son the Duke of Cornwall and his Successors, Dukes of Cornwall for the Time being; and we do hereby give our Royal Word and Promise to our said Subjects the Tinners, that the Agreement and Concession by us herein made, shall be in all things made good and confirmed by our faid dearly beloved Son, under his Great Seal, unto our faid Subjects within the Space of Twelve Months, Given under Privy Seal at our Palace at Westminster the Ninth Day of August, in the Fourth Year of our Reign.

Tho, Watkins.

any other

ARTICLES and Instructions to be observed by the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, in Execution of the Commission under his Majesty's Privy Seal bereunto annexed, touching the Farm of all the Tin within the Counties of Cornwall and Devon.

Imprimis, OU shall settle an Agreement with the respective Parliaments, or Convocations of Tinners of Cornwall and Devon, for all the Tin that shall arise and be within the respective Counties, at the Rate of 3 1. 10 1. per Cent. Stannary Weight, accounting one Hundred and Twenty Pounds, at Sixteen Ounces to the Pound, to each Hundred, rebating for base and bad Tin, as hath been accustomed, for the Term of Eleven Years, from the Twenty source of June last past.

Item, We are graciously pleased that you shall agree on our Part, that during the Continuance of the said Farm, the Tinners shall be

discharged of the Coinage Duty of 4s. per Cent.

seld otherwise be by them hoped for by

nd whereas by our Order of the Twenty a

Item, That the Price of every Parcel of Tin at the Rate aforefaid, be paid the respective Tinners or their Assigns, within six Days after the Delivery of the same; or, in default of such Payment, the Owner to dispose of the same at his Pleasure, on Payment of the Comage Duty and Customs.

Trem, We are further graciously pleased to condescend and agree, that there be four free Coinages yearly at each Coinage Town, at

the usual Times, and be ascertained, as hath been done in former

Farmers and Assigns, shall have a Bank or Stock of Ten Thousand Pounds in the whole, to be divided and lodged in each Coinage Town, in such Proportion as shall be fit to be from time to time lent and advanced to the Tinners betwixt the Coinages, upon good Security at Six per Cent. for two or three Months, and if it be but for one Month, and the Tin in the Hall, to be lent gratis.

THO. WATKINS.

Ordered, That the Receiver General, or his Deputy, be acquainted to attend Mr. William Arundell, Mr. Manley, Mr. Robinson, and Mr. Penneck, or any Two of them, to give an Account of what Moneys are received, by Vertue of an Order of this Convocation.

Adjourned unto to morrow Eight a Clock in the Forenoon, and then to confider of the Laws.

Saturday, the 22d of September.

Ordered, That the Thanks of this Convocation be returned to the Lord Warden for his indulgent Speech, and for his great Care of, and Kindness to the Tinners of this County.

Ordered, That the Lord Warden's Speech be entred in this Book.

And then adjourned for Half an Hour.

Ordered, That Mr. Vincent, Mr. Arundell, Mr. Hoblyn and Mr. Penneck wait on the Lord Warden for the Draught of the Laws.

Years, upon such Security and Terms as shall be agreed on by the Convocation, at 3 l. 10 s. per Cent. Stannary Weight clear, that is to say, One Hundred and twenty Pounds Weight to the Hundred, and Sixteen Ounces to the Pound.

Adjourned unto Two a Clock in the Afternoon.

Ordered, That the Convocation wait on the Lord Warden, to acquaint his Lordship of this Vote, and to desire his Lordship's Concurrence.

And then adjourned for Half an Hour.

SI

Afterwards adjourned unto Monday next, at Ten of the Clock in the Forenoon, at this Place.

Monday, the 24th of September. Ordered, That the Laws now before this Convocation be read. Ordered. That the Affiliants be called in, to hear the Laws read.

The Mames of the Affiftants that did appear this Day, and heard the Laws read.

Blackmore.

Richard Scotte, Nicholas Found. Thomas Carlyon, Stephen Robins, John Wootridge.

Foymore.

Stephen Robyns

Tywarnhaile.

Charles Trabody, Nicholas Francis, Cofwith Martin,
John Layman,
Mark Daniel.

Penwith and Kirrier.

Sampson Veale, Seephen Mitchell. Anthony Cock, Thomas Jenkin. John Harris.

Adjourned unto to morrow Eight of the Clock in the Forenoon.

Tuesday the 25th of September. Ordered, That Mr. Rethard Hoblyn draw the Articles for the Farm. Ordered, That Mr. Vincent, Wie Arandell, Wir. Hobbyn

Adjourned unto Two a Clock in the Afternoon:

Ordered, That Penzame Petition, and the Pewterers Petition be Ventre, upon toth Secarity and Astrone as that I sood state the beath's Conversion, at the total for Conversion Weight clear, that he

to Liv. One Handred and twenty Pounds Weight to the Hundred,

Order of That the Convocation wait on the Berd Warden, to

ourned and I would Clark is the Afternoon.

that them who were for Flattice they

To the Honourable Convocation, or Parliament of Tinners affembled at Lostwithiel, for the County of Cornwall.

The Humble ADDRESS and PETITION of Samplen Veale, George Treweeke, and John Ellis, Gent. for, and in behalf of Themselves and the Town of Penzance, within the Stannaries of Penwith and Kirrier, and of the Tunners and Owners of Blowing-Houses, in and adjacent to the said Town of Penzance,

Humbly (hew,

HAT our late most Gracious King Charles the Second, of over blessed Memory, for the Ease and Benefit of the said Town and Timers adjacent, was most graciously pleased, by Letters Partents under the Great Seal of England, to constitute and appoint the said Town of Penzance to be one of his Majesty's Coinage Towns within the said Stannary for ever, as by the said Letters Patents may more fully appear; and in Pursuance thereof, the said Town and the Timers adjacent, have for many Years enjoyed the several Coinages yearly, and all other the Privileges granted to them, as other his Majesty's Coinage Towns have done: But now so it is, may it please your Honours, that this Great and High Court being assembled, and taking into your Considerations all other the Coinage Towns of this County, have taken no Notice of the said Town of Penzance, so as to declare the same a Coinage Town, or to make any Laws relating thereto.

Tour Petitioners do therefore most bumbly pray, that your Honours will be pleased to take the Premisses into your serious Considerations, and to nominate and appoint the Times of Coinages at the said Town of Penzance, as you have been pleased to do for the other Coinage Towns, that so your Petitioners may enjoy the Liberties and Privileges granted the said Town, by the said Letters Patents, according to the Intent thereof.

a Partirlet | John Elle

And your Petitioners shall ever Pray, &c.

Sampson Peale, George Treweeke, John Ellis.

The PEWTERERS Petition.

To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, and to the Honourable the Convocators, or Parliament of Tinners assembled at Lostwithiel.

The Humble Petition of the PEWTERES in the County of Cornwall,

Humbly [heweth,

HAT your Petitioners have served their respective Apprenticeships, and undergone great Labour and Costs to learn and become Masters of the said Trade of Pewterers, and for many Years last past have used and exercised the same in the said County of Cornwall, and have constantly made very good Pewter of all sorts, and therewith supplied the Nobility, Gentry, and other Inhabitants, at much cheaper Rates than it could be had elsewhere, by means whereof your Petitioners, and many other Persons imployed under them, get sufficient and honest Livelihoods for the Maintenance of themselves and Families, as well to the great Benefit of the respective Towns where your Petitioners dwell, as of the general Advantage of the faid County. And whereas your Petitioners do understand, that your Lordship and the Honourable Convocation, are upon Treaty for a Farm of all the Tin that is, and shall be made and gotten in the faid County for a certain Number of Years, at the Price of 3 l. 10 s. per Cent. Stannary Weight; and whereas it hath been accustomed in former Farms to make Provision for the Supply of the Pewterers with Tin at a moderate Price, to prevent the extraordinary Price of Pewter, as is most reasonable, especially in relation to this County, whereof Tin is the natural Product:

Tour Petitioners therefore bumbly pray your Lordship and this
Honourable Convocation, that you will be pleased to provide,
that during the Continuance of the intended Farm, your
Petitioners shall and may from time to time be supplied and
furnished by such Farmers, and their Agents, with sufficient
Quantities of Tin for their Working and Manusalture in
their said Trade, to be delivered to your Petitioners at the
respective Coinages in the said County, on Payment of such
reasonable Price for the same, as by your Lordship and the
Convocation shall be thought meetest.

And your Petitioners, as in Duty bound, shall ever pray, &c.

John Johns,
Edw. Champion,
Peter Mourton,
Richard Tedder,
William Wyatt,
John Partridge,
John Ellis,

John Bullock, Edmund Davy, John Williams, Richard Tregian, Peter Godfrey, William Gock. It is agreed by this Convocation to referve a Quantity of Tin for the Use of the Pewterers of Cornwall, not exceeding Thirty Tun per Annum, at the Price of 41.6 s. per Cent. Stannary Weight.

Ordered, That the Receiver General of the Dutchy of Cornwall, or his Deputy, do demand and receive the Arrearages of the last Order made by this Convocation, for the raising Sixpence per Cent. on each Hundred Weight of the Tin that should be coined at Lady-day last, from the respective Persons in Arrearages, that coined at Penzance, and other Coinage Towns within the County of Cornwall, at Lady-day Coinage last; and that he pay what Monies he then received by Vertue of the said Order yet remaining in his Hands, and what other Monies he hath since received, or shall at or before the End of next Michaelmas Coinage receive, by Vertue of the said Order, unto Jonathan Rashleigh of Menobilly, Esq; who is hereby impowered to receive the same, and to dispose thereof as this Convocation, or any Sixteen of them, shall order and direct.

Adjourned till to morrow Morning Seven a Clock.

Wednesday, the 26th of September.

Ordered, That Thirteen Convocators shall have Power at any time to adjourn.

Adjourned for Half an Hour.

Ordered, That the Assistants here under named, or any two of them within their respective Stannaries, do before the next Coinage affere the Weights in the Coinage-Halls within their respective Stannaries, at One Hundred twenty Pounds to the Hundred, and Sixteen Ounces to the Pound.

The Names of the Assistants that are to affere the Weights.

Blackmore. Charles Truboddy, Richard Scoble, Thomas Carlyon,

Foymore. Stephen Robins, Thomas Jenkin, Samuel Langford, Tywarnhaile. John Hayman, Nicholas Francis, Mark Daniel.

Penwith and Kirrier.

Anthony Cock,

John Harris,

Stephen Mitchell.

Ordered, That Richard Hoblyn, Henry Vincent and John Manley, Esqs; or any Two of them, shall perfect the Stannary-Laws to be ingrossed; and that they have all Papers relating thereunto, now being with the Convocators, which are now delivered to Mr. Tho, Pearce.

A T the Convocation, or Parliament of Tinners, held at Lostwither the Twentieth Day of September, in the Fourth Year of the Reign of our Sovereign Lord James the Second, by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. Anneq; Domini 1688. for the Stannaries of Cornwall, before the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall and Devon, and one of the Lords of his Majesty's most gracious Commission under the Privy Seal to his Lordship directed, bearing Date at White-Hall the Eighth Day of September, in the Second Year of the Reign of our Sovereign Lord, James the Second.

Stannators for the Stannary of Stannators for the Stannary of Blackmore. Tywarnhaile. John Vyvyan, Sir John Arundell, Knt. John Prideaux, Humphry Courtney, Joseph Sawle, Charles Trevannion, Efqs; Efgrs; Henry Vincent, Walter Kendall, Richard Bonython, Jonathan Rashleigh, John Tanner, John Manley, Stannators for the Stannary of Stannators for the Stannary of Penwith and Kirrier. Foymore. Sir Bouchier Wrey, Bart.

Sir John Coryton, Bart.
Sir John Molesworth, Knt.
John Speccot,
Nicholas Glynn,
John Waddon,

Esqs;

Sir John Carew, Bart.

Humphry Borlase,
William Arundel,
Richard Hoblyn,
George Robinson,
John Penneck, Gent.

Whereas his Majesty hath been graciously pleased, by his Royal Commission under his Privy Seal, bearing Date at his Majesty's Palace of Westminster the Ninth Day of August, in the Fourth Year of his Majesty's Reign, to commissionate and authorize the Right Honourable the said Lord Warden to treat of, compleat, and execute a Bargain and Agreement with Us on the behalf of his said Majesty, for the buying and taking into his Majesty's Hands, all the Tin which shall be found within the Stannaries of the County of Cornwall; and whereas his said Majesty hath been pleased by the said Commission to declare, that the said Agreement so to be made, shall be on the behalf of his Royal Highness the Prince, Duke of Cornwall, and his Successors, in all Things made good and confirmed by his said Royal Highness under the Great Seal, within the Space of Twelve Months, from the Day of the Date of the said Commission:

It is now agreed by and between the Right Honourable the said Lord Warden, in Pursuance of his said Commission, on the behalf of his said Majesty and the said Prince, Duke of Cornwall, of the

one Part, and the faid Convocators, now in Convocation assembled, for and on the Behalf of the Tinners of the faid County of Cornwall of the other Part, in Manner and Form following.

First, That his said Majesty, and the said Duke of Cornwall, shall have and enjoy all the Tin that shall be digged, arise, or made within the said County of Cornwall from the Four and twentieth Day of June last past, for, and during the sull Time and Term of Eleven Years, from thenceforth sully to be compleat and ended, at the Price of Three Pounds and Ten Shillings Sterling, for every Hundred Weight of Tin, Stannary-Weight; that is to say, after the rate of Sixscore Pounds to the Hundred Weight, after the rate of Sixteen Ounces to the Pound, and no more, and so for a greater or lesser Proportion of Weight; the said Price to be paid in Gold or Silver.

Secondly, That the said Money, or Price of 3 l. 101. per Gent. shall be paid to each and every respective Tinner, according to their respective Proportions upon weighing of their respective Slabbs or Quantities of Tin, or within Four Days thereof, in the Coinage Town where the Tin is so coined.

Thirdly, It is agreed, that the Property of the Tin shall remain and be in the Tinners, until the Price thereof shall be paid to each respective Tinner; and that in case the said respective Sums of Money shall not be paid to each respective Tinner, as aforesaid, upon the Weighing of the faid Tin, or within Four Days thereof; then, and in such Case, such Tinners so unpaid, respectively shall keep the faid Tin, and dispose of the same at his Pleasure, paying the Coinage Duty. And it is likewise hereby farther agreed, that no Slab or Piece of Tin shall be removed out of the Coinage-Hall where the fame is coined, until the faid Price of 3 1, 10 s. be duely and justly paid for the same, as is above agreed: And that the Comptroller of the Stannaries, or other Person authorized for the keeping of the faid respective Coinage-Halls, his or their Deputy or Deputies, shall not at any time during the said Term of Eleven Years, fuffer or permit any Slab or Piece of Tin to be carried out of any of the respective Coinage Halls, untill the said Price be paid to each Tinner respectively; but shall suffer each Tinner so unpaid after the Time aforesaid, upon demand, to enter into each respective Coinage-Hall, and to take and carry away his or their respective Tin.

Fourthly, It is agreed, that during the Continuance of the said Term of Eleven Years, every Tinner shall be discharged of the Coinage-Duty of Four Shillings per Cent.

Fiftbly, It is agreed farther, that there be yearly Four free Coinages at every Coinage Town at the usual Times appointed, without Adjournment from the respective Coinage Towns, until all the Tin be coined.

Sixthly, It is farther agreed, that his Majesty, or his Highness the Duke of Cornwall, their Agents, Farmers or Assigns, during the said Term of Eleven Years, shall have aBank, or Stock, of Ten Thousand Pounds in the whole, to be divided and lodged in each Coinage-Town, to be lent between the Coinages after the rate of Six Pounds Interest for every Hundred Pounds, upon Security for two or three Months; and if any Tinner shall have Tin in any of the respective Coinage-Halls at any time before the Coinage, he shall have and take up from the said Agents or Farmers, so much Money as his Tin shall amount unto for one Month before each Coinage, without paying of Interest for the same during that time.

Seventhly, It is agreed, that for the Prevention of all Differences that may arise about the weighing of Tin, the Beams, Pins, and all the Weights in each Coinage-Town, both small and great, shall be at the next Coinage in each Coinage-Town affered by a Jury of good and substantial Tinners, according to the Laws and Customs of the Stannaries, and so from time to time as Occasion shall require, during the said Term; and in case any of the said Weights shall be found to be unjust or insufficient, whereby any Prejudice, Damage, or Loss may come or accrue, either to the Tinners, or to his Majesty, or the Duke of Cornwall, or to his or their Agents or Farmers in their due, just, and equal weighing of the Tin, then and in such Case the same shall be amended, and Satisfaction made to the Party or Parties grieved or damnified thereby.

Eighthly, Item it is agreed, that the Pewterers of the County of Cornwall, shall have yearly, and every Year during the said Term of Eleven Years, out of the Tin made in the said County of Cornwall, so much White Tin as they have Occasion to use for the making of Pewter, not exceeding Thirty Tuns in each Year, at the Price of Four Pounds and Six Shillings per Cent. Stannary Weight.

Ninthly, It is farther agreed, that during the faid Term of Eleven Years, no Tinner shall be obliged to pay upon the Coining and Weighing of his Tin, any other Fee or Payment than the Tinners have heretofore paid, and of Right ought to pay, during the Time and Continuance of any Farm or Farms.

Lastly, Provided always, and it is further agreed upon betwirt the Parties aforesaid, That in case his Majesty, or his Highness the Duke of Cornwall, or the Agents or Farmers under them, or either of them, shall for any one whole Coinage during the said Term of Eleven Years, neglect or refuse to take and pay for the Tin according to the Agreement herein before expressed; then, and in such Case all these present Articles, and the Bargain thereby made, shall cease and determine, and be utterly void for the Remainder of the said Term of Eleven Years, from the time of such Neglect or Failure.

And then this Convocation adjourned unto the Eleventh of October next, at Saltash.

A T the Convocation of Four and twenty Stannators, or Parliament of Tinners affembled for the Stannaries in Cornwall, held at Truroe in the said County of Cornwall the Sixteenth Day of September, in the Second Year of our Sovereign Lady Anne, by the Grace of God of England, Scotland, France and Ireland Queen, Defender of the Faith, Sc. before the Right Honourable John Lord Granville, Lord Warden of the Stannaries of Cornwall and Devon, and one of the Lords of her Majesty's most Honourable Privy Council, by Vertue of her Majesty's most gracious Commission under the Privy Seal to his Lordship directed, bearing Date at Westminster the Thirtieth of June, in the Second Year of her Majesty's Reign.

Stammators of the several Stammaries returned.

Blackmore.	Foymore.
John Trevannion, Dennis Glynn, John Hoblyn, Charles Grills, jun. John Sawle, John Cole,	James Buller, William Bridges, Thomas Wadden, William Courtney, Francis Scoble, Hugh Piper,
Tywarnhaile.	Penwith and Kirrier.
Henry Vincent, John Manley, Francis Basset, Alexander Pendarves, Hugh Tonken, John Pollard,	James Prade, Renatas Bellot, Thomas Vyvian, Edward Penrose, Sampson Hill, James Keigwin,

Pursuant to the Returns, the Convocation met at the Coinage Chamber, and proceeded to the Choice of a Speaker.

Resolved, Nemine Contradicente, That James Buller, Esq; be Speaker of this Convocation.

Ordered, That Francis Scoble, Esq; and Alexander Pendarves, Esq; do attend the Lord Warden, to know his Lordship's Pleasure when this Convocation shall present their Speaker unto him.

The Messengers being returned, reported, that the Lord Warden will be attended by this Convocation, with their Speaker, to morrow Morning by Eight of the Clock in the Court.

Ordered, That the Lord Warden be attended accordingly.

Ordered, That the Convocation be adjourned till to morrow Morning Seven a Clock, and then the Convocation adjourned accordingly.

Die Veneris, 17mo Septembris, 1703.

The Convocation then met, and adjourned till Eleven a Clock.

The Convocation met at Eleven a Clock, according to the Adjournment, and came to these following Resolutions.

Refolved, That we the aforementioned Four and twenty Stannators, being duly elected and returned by four respective Mayors, and Council of the several Towns of Losswithiel, Launcestone, Truroe, and Helstone, to serve in this present Convocation, or Parliament of Tinners, according to the antient Prescription and Usages of the said Stannaries, and assembled as aforesaid, do take into our Consideration these Articles following, viz.

For that the unanimous Confent of the full Four and twenty, according to the Letter of the Charter of Pardon, may not be put to every Ordinance propounded, to the end that our Endeavours, for the want of one of few Voices may not fall to the Ground; We, following former Presidents and Usages, do agree, constitute, and ordain, that whatsoever Propositions shall be affirmed and concluded by Sixteen or more in Convocation assembled, but not under the same, shall stand and be binding as the Act of us all.

Ordered, That Thomas Hornel and Henry Polkingborne, Gent. be our Clerks, and that they do attend us, and execute our Commands from time to time during this Convocation.

Mr. Speaker acquainted this Convocation, that he had obtained a Copy of the Lord Warden's Speech at the opening of this Convocation, which he read, and is as followeth.

Gentlemen,

A FTER a long Intermission of Fisteen Years, you are again, by the Queen's especial Grace and Favour, assembled. Her Majesty, in both her Commissions under her Privy Seal now read, hath been graciously pleased to fully to express her Royal Pleasure in calling this Convocation, that it will be unnecessary for me to enlarge farther on this Occasion; I shall therefore only mind you of the great Obligations We awe, beyond all other Subjects, to our most Gracious Sovereign. Her Majesty's pious Zeal, and constant Care in maintaining the Church of England as it is by Law established; her great Endeavours, ever since her most happy Accession

to the Throne of her Ancestors, to render all her People happy, by restoring and securing them and their Posterity the full Enjoyment of their Liberties and Properties, are such Benefits as we can only pretend to there with the rest of our Fellow Subjects; but we of this and the next County, are folely obliged to her Majeffy, that at a Time when for the Safety of her own Dominions, and to preserve the Ballance of Europe from the encroaching Power of France, the is ingaged in a very expensive War, the is graciously pleased, amidit all the Difficulties that necessarily attend such an extraordinary Juncture, to take into her Royal Confideration the fad and deplorable Condition of her good and loyal Subjects the Tinners of Cornwall, who suffered so many Hardships in the late And to prevent the like Sufferings in the present, her Majefty is graciously pleased to offer, as a diffinguishing Mark of her Royal Payour and Compassion, to take Sixteen Plundred Tuns of Tin yearly for seven Years, at the Price of Three Pounds and Ten Shiftings per Cent. Standary-Weight, which will be punctually baid out of her own Revenue. So great a Bounty at this fifthe could fearer be hoped for; therefore this extraordinary Grace requires a most dutiful Acknowledgment; and, I hope, no Subject of Command will ever hereafter be to ingrateful to her Majetty; as in the leaft to deviate from the antient Loyalty of this County, to which her Majesty in these Commissions hath been pleased to do signal Fignours, by granting her Exemplification of the Service and Sufferings of our Ancestors, for their Loyalty, in the late horrid Rebeltion against her Royal Grandfather King Charles the Fifst, of evet bleffed Memory.

Gentlemen,

I cannot but own my felf glad of this Occasion to meet so many of my worthy Countrymen; and as I am very consident that an Assembly composed of such prudent and loyal Persons, of so good Interest in your Country as you are, will proceed in all things as you ought to do for the Service of her Majesty, and the Good of the Timers, for which End you are only cassed: So I do assure you I shall not be wanting on my part in any thing to render this Meeting sully as beneficial and advantagious to the Tinners, as her Majesty has most graciously intended it; wherein I shall shall think my self infinitely happy, if I become the Instrument of conveying any Advantage to you, being sully satisfied that I have the Honour to serve a Queen whose Interest is so inseparable from that of her Subjects, that I cannot do them any more real Good, than by zealously promoting her Service: nor can I better recommend my self to her Royal Favour, than by being a strenuous Assertor of the Laws and Liberties of my Country.

To conclude; I shall only put you in mind, that it will not be long before many of your Attendancies will be indispensably required in another Place; wherefore I hope you will give as much Dispatch to the several Matters before you, as will be as consistent with her Majesty's Service, as the Good of Cornwall, wherein you may

be affured of my Concurrence; for I shall be always ready to testify my natural Affection and Esteem for this County, whose Prosperity

I do heartily wish:

I refer to my Vice-Warden to lay before you the present State of the Stannaries, which I doubt not but he will perform to your Satisfaction. I hope this Meeting will have so happy a Conclusion, as will engage us all to join in our most humble Thanks to her Majesty, for her unparallelled Goodness towards us, and that the whole County may pray, as with one Voice, for the long Life and happy Reign of our most Gracious Sovereign Lady Queen Anne, whom God long preserve, for the Benefit of all her Subjects, on the Throne of her Royal Ancestors.

Ordered, That the Thanks of this Convocation be given to the Lord Warden, for his excellent Speech to this Convocation.

Ordered, That the whole Convocation do attend the Lord Warden with the same.

Ordered, That Mr. Trevannion, Mr. Scoble, Mr. Bridges, and Mr. Pendarves do attend the Lord Warden, to know his Lordship's Pleasure when he will receive the Thanks of this Convocation for his Speech.

Ordered, That it be an Instruction to the Messengers, to desire that a Copy of the Articles annexed to the Lord Warden's Commission under the Privy Seal, be laid before the Convocation.

Ordered, That each Convocator do give in the Name of his Affiftant at Five of the Clock this Afternoon.

The Messengers being returned, reported that the Lord Warden will be attended to morrow Morning by Ten of the Clock; and at the same time they delivered in a Copy of the Articles and Instructions annexed to his Lordship's Commission under the Privy Seal.

Ordered, That the said Articles be read; which was done accordingly, and are as followeth.

ARTICLES and Instructions to be observed by the Right Honourable John Lord Granville, Lord Warden of the Stannaries, in Execution of the Commission under her Majesty's Privy Seal hereunto annexed, touching the Contract and Agreement for Sixteen Hundred Tuns of Tin yearly, within the Counties of Cornwall and Devon, for the Term of Seven Years.

Imprimis, YOU shall settle an Agreement with the respective Parliament, or Convocation of Tinners of Cornwall and Devon, for Sixteen Hundred Tuns of Tin yearly, at the rate of Three Pounds Ten Shillings per Cent. Stannary Weight, accounting One Hundred and twenty Pounds, at Sixteen Ounces Averdupois to the Pound, to each Hundred, rebating for debased and bad Tin, as hath been accustomed, for the Term of Seven Years.

Item, We are graciously pleased, that you shall agree on our Part, and on the Part of our Heirs and Successors, that during the Continuance of the said Contract and Agreement, the Tinners shall be discharged of the Coinage Duty of Four Shillings per Cent. and shall pay no more or other Fee than usual; and that Four Quarterly Coinages shall be yearly kept in the respective Coinage Towns in the said County, as have been accustomed.

Item, That the Price of every Parcel of Tin, not exceeding the faid Quantity of Sixteen Hundred Tuns, at the rate aforefaid, be paid the respective Tinners, or their Assigns, within Fourteen Days after the Delivery of the same, or, in detault of such Payment, the Owner to dispose thereof at his Pleasure, upon Payment of the Coinage Duty and Customs.

Item, That if a greater Quantity of Tin than the Sixteen Hundred Tuns shall happen to be made in any one whole Year during the Continuance of the said Contract or Agreement, that in such Case the said Overplus shall remain till the next succeeding Coinage, when the same shall have the Preference to be coined and paid for before any other Tin whatsoever. In order hereunto, our Coinage Officers and Agents, shall keep a true Register of all such Surplus Tin, with the Names of the Owners thereof, and the exact Time when the same was delivered at the Coinage Hall.

Agents or Assigns shall have a Bank or Stock of Ten Thousand Pounds in the whole, to be divided and lodged in each Coinage Town, some in such Proportion as shall be fit from time to time to be lent and advanced to the Tinners betwixt the Coinages, for making any Part of the said Quantity not exceeding Sixteen Hunge

dred Tuns of Tin a Year, upon good Security at Six Pounds per Cent, for two or three Months, and if lent for one Month, and the Tin in the Hall, to be lent gratis.

Ordered, That the Lord Warden's Speech and the Articles, be taken into Confideration at Five a Clock this Afternoon; and then the Convocation adjourned this Afternoon in the Coinage-Hall.

The Convocation met according to the Adjournment, and each Convocator delivered in the Name of his Assistant, who are as follow.

Blackmore.

Thomas Carlion,
John Williams,
William Rowa,
Henry Scoble,
Hugh Henwood,
Edm' Carthew.

Tywarnhaile.

Symon Tregea,
Reginald Angove,
Stephen Harris,
Hercules Nicholls,
Charles Tregea,
Udy West,

1986

Foymore.

Anthony Cock, Gent.
John Nicholls, Esq;
William Beauchamp,
Oliver Ustick,
John Woolridge,
John Harry,

Penwith and Kirrier.

John Burlace, Efq;
Richard Tyack, Gent.
John Arundel, Efq;
John Trannick, Gent.
John Rogers, Gent.
William Ufficke, Gent.

Ordered, That Mr. Manley do attend the Lord Warden with a Lift of the Affistants this Convocation have made choice of, and do desire the Lord Warden to issue his Summons for their Attendance.

Ordered, That the Confideration of the Lord Warden's Speech and the Articles, be adjourned till to morrow Morning.

Ordered, That this Convocation be adjourned till to morrow Morning Eight a Clock.

Die Sabbathi 18mo die Septembris.

The Convocation met according to their Adjournment.

Mr. Scoble having acquainted the Convocation, that John Hayman could not attend their Service, defired Leave to appoint John Washridge, Gent. in his Place.

is he lent and advinced to the Tieners between the Comages, for melant any Part of the feld Quantity not exceeding Sixteen Hun-

Ordered.

Ordered, That Mr. Manley do attend the Lord Warden, to desire that the said John Woolridge may be inserted in the Summons, in the Stead of the said John Hayman.

Mr. Manley reported, that he had attended the Lord Warden, and that his Lordship had ordered the Summons to be altered accordingly.

Ordered, That the Affistants be called in, and that the Lord Warden's Speech at the Opening of this Convocation, and the Articles annexed to his Lordship's Commission under the Privy Seal, shall be read to them.

Ordered, That the Speaker do acquaint them, that if they defire a Copy of the Lord Warden's Speech and Articles, the Convocation is ready to grant it them.

The Affistants having defired a Copy of the Lord Warden's Speech and Articles, the same were delivered to them.

Ordered, That the Affistants do withdraw.

Ordered, That the Affistants be called in, and that the Speaker do acquaint them, that the Convocation defires their speedy Thoughts of the Propositions laid before them.

Ordered, That the Assistants do withdraw again.

Resolved Nemine contradicente, That this Convocation do agree to let her Majesty have Sixteen Hundred Tun of Tin yearly, at the rate of Three Pounds Ten Shillings per Cent. Stannary Weight, for the Term of Seven Years:

Ordered, That the Affishants be called in, and acquainted with these Resolutions; and that the Speaker do farther acquaint them, that the Convocation expects they will consider of, and give their Opinion as to the Time of the Commencement of the Farm, by Six of the Clock this Afternoon.

The Affifiants being called in, the Speaker acquainted them therewith.

Ordered, That the Affiftants do withdraw.

Ordered, That the Convocation be adjourned to Six a Clock this Afternoon, in the Town Hall.

And the Convocation adjourned accordingly.

Six a Clock.

The Convocation met according to their Adjournment.

The Assistants being called in, presented to the Convocation a Paper, intituled, Observations humbly laid before the Convocation by their Assistants, relating to the present Farm.

Ordered, That the Affistants do withdraw.

Ordered, That the Paper presented by the Assistants, be now read; and it was read accordingly.

Resolved, Nemine Contradicente, That the Commencement of the said Term be from the First of December next.

Ordered, That the Convocation do attend the Lord Warden, to acquaint his Lordship with the said Resolutions, and to desire his Lordship's Concurrence therewith; and at the same time that the Speaker do desire his Lordship to lay before them the Contract concerning the last Farm, and all such Laws relating to the Stannaries, as are in his Lordship's Custody.

Ordered, That the Convocation be adjourned to Monday Morning Eight a Clock, at the Coinage-Hall.

Die Lunæ 20mo Septemb. 1703.

Mr. Speaker reported, that the Convocation had attended the Lord Warden, and acquainted his Lordship with the Resolution of Saturday last, and that his Lordship concurred therewith.

Mr. Speaker also reported, that he had obtained from his Lordship the Contract concerning the last Farm, and all such Laws relating to the Stannaries, as were in his Lordship's Custody, which he delivered in at the Table.

Ordered, That the Titles thereof be read, which were read accordingly, and are as followeth.

Anno 1688. Contract of Cornwall for the Farm of the Tin. Convocation Roll in the Second Tear of King James the Second, an Inspection and Confirmation of diverse ancient Acts of Convocation.

Ordered, That the Contract of the last Farm be now read; which was read accordingly.

Ordered, That the Articles and Instructions annexed to the said Lord Warden's Commission under the Privy Seal, be now read; which was read accordingly.

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Ordered,

Ordered, That a Committee be appointed to draw up Articles for the Contract with her Majesty; and that Mr. Manley, Mr. Scoble, and Mr. Hoblyn be the said Committee; and that they do prepare and bring in the same.

Ordered, That one of the Clerks do attend the faid Committee, with all the Papers that have been laid before this Convocation, relating to the Contract.

Ordered, Upon a Debate of the Convocation, That it be an Instruction to the said Committee, that they make effectual Provision, that the Surplusage of Tin above the Sixteen Hundred Tuns, if any shall be at the End of the Year, at any Coinage Town, shall be coined and paid for before the next succeeding Coinage.

Ordered, That the Assistants be called in, and that the Speaker ask them, whether they have any thing farther to offer in relation to the Contract.

Ordered, That the Assistants do withdraw.

Ordered, That this Convocation do take into Consideration the feveral Acts and Proceedings of former Convocations, laid before them, to morrow Morning Eight a Clock.

Ordered, That this Convocation be adjourned till to morrow Morning Eight a Clock.

And the Convocation adjourned accordingly:

Die Martis 21mo Septembris 1703.

Mr. Manley reported from the Committee appointed to draw up the Articles for the Contract with her Majesty, that they had prepared the same, which he delivered in at the Table.

Ordered, That the Title thereof be read, which was done accordinly, and is as followeth.

The Draught of the Contract for the Tin of Cornwall for Seven Tears, from the First of December Anno Dom. 1703.

Ordered, That the Draught be read, and that the Affistants be called to hear the same.

Ordered, That the Affiftants do withdraw.

Refolved, Nemine contradicente, That an humble Address be prefented to her Majesty, to return our unanimous and most hearty Thanks, for so graciously and seasonably taking into her Princely Consideration the present ill Circumstances of her most loyal and dutiful Subjects, the Tinners of Cornwall.

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Ordered.

Ordered, That a Committee be appointed to draw up the faid Address.

Ordered, That Mr. Manley, Mr. Scoble, Mr. Vincent and Mr. Hob-lyn, be the said Committee.

Ordered, That the Acts of the last Convocation be now read.

Ordered, That the Affistants be called in to hear the same.

Ordered, That the Affistants do withdraw.

Ordered, That the Convocation be adjourned till Three a Clock this Afternoon.

And the Convocation adjourned accordingly.

Three a Clock. The Convocation met.

Ordered, That a Committee be appointed to prepare and bring in an Act of Convocation, for the Confirmation of the feveral Acts of Convocation, made and confirmed in the Second Year of King James the Second.

Ordered, That Mr. Bridges, Mr. Hoblyn, Mr. Manley, Mr. Pendarves, and Mr. Scoble, or any three of them, be the faid Committee, and that they do prepare and bring in the fame.

Ordered, That the Convocation be adjourned till to morrow Morning Eight a Clock.

And the Convocation adjourned accordingly.

Die Mercurii 22do Septembris, 1703.

Mr. Marlex reported from the Committee appointed to prepare and bring in an Act of Convocation for the Confirmation of feveral Acts of Convocation, made and confirmed in the Second Year of King James the Second, that they had prepared the same, which he delivered in at the Table.

Ordered, That the Title thereof be read, which was read accordingly, and is as followeth.

An Ask for Confirmation of Several Asts of Convocation in the Two and twensieth Tear of King James the First, the Twelsth Tear of King Charles the Finst, and the Fourth Tear of King James the Second.

Ordered.

Ordered, That the faid Act be read.

Ordered, That the same be read a second time.

Ordered, That the faid Act be ingroffed.

Ordered, That Leave be given to bring in a Rider, to fave and indemnify all Persons from any Forseitures and Penalties they have incurred for the want of Publication of the Acts of Convocation, made in the Fourth Year of King James the Second.

Ordered, That the Contract for the Tin with the Lord Warden, on behalf of her Majesty, her Heirs and Successors, be read Paragraph by Paragraph.

Ordered, That the faid Contract, with the Amendments, be ingroffed.

Ordered, That Mr. Bridges and Mr. Pendarves be added to the Committee appointed to draw up the Address to her Majesty.

Ordered, That the Convocation be adjourned to Five a Clock.

Five a Clock. The Convocation then met.

Resolved, Nemine contradicente, That it is the Opinion of this Convocation, that for defraying the necessary Charges of this Convocation, Money be raised by a voluntary Payment of Sixpence for every Hundred Weight of Tin that shall be coined the next Christmas Coinage.

Ordered, That a Committee be appointed to consider how the Money shall be disposed of that shall be paid.

Ordered, That Mr. Pendarves, Mr. Bridges, Mr. Scoble, Mr. Trevannion, Mr. Vincent, Mr. Wadden, Mr. Hoblyn, Mr. Grills, Mr. Baffes, Mr. Keigwin, and Mr. Praed, or any three of them, be the faid Committee, and that they do report their Opinion therein to morrow, at the Sitting of the Convocation.

Ordered, That the Affistants be called in.

The Affistants being called in, presented to the Convocation a List of the Fees payable to the Coinage Officers, which was read.

Ordered, That the Affiliants do withdraw.

Resolved,

Refolved, Nemine contradicente, That an humble Address be prefented to the Lord Warden, to return his Lordship the Thanks of this Convocation, for his great Favours to us in particular, and his fignal Kindness to the Tinners in general.

Ordered, That the Committee appointed to draw up the Address to her Majesty, do likewise draw up the Address to be presented to the Lord Warden.

Ordered, That Mr. Praed, Mr. Trevannion, Mr. Courtney, and Mr. Pollard, be added to the faid Committee.

Ordered, That the faid Committee do report both Addresses at the Sitting of this Convocation.

Ordered, That the Convocation be adjourned till to morrow Morning Eight a Clock.

Ordered, That the Table of Fees, presented by the Assistants to the Convocation, be now read.

Ordered, That the Receiver and Comptroller of the Stannaries be fent for, to know whether they have any Objection to make to the Table of Fees.

Ordered, That the Affistants be called in.

Ordered, That the Receiver and Comptroller of the Stannaries do withdraw.

Ordered, That the Assistants do withdraw.

Ordered, That the Resolution of yesterday, for desraying the necessary Charges of this Convocation, be now read.

Refolved, Nemine contradicente, That the Money to be raised for defraying the necessary Charges of this Convocation, be paid to the Receiver General of the Coinage Duty, or his Deputy, to be disposed of as this Convocation shall direct.

Ordered, That the Assistants be called in, and acquainted with this Resolution of yesterday, for defraying the necessary Charges of this Convocation, as likewise the last Resolution.

Ordered, That the Affistants do withdraw.

Resolved, That it is the Opinion of this Convocation, that for the most effectual Payment of the necessary Charges of this Convocation, cation, a farther Sum to be raised by a voluntary Payment of Twopence per every Hundred Weight of Tin, that shall be coined the next Lady day Coinage.

Ordered, That the Affistants be called in, and acquainted with the faid Resolution.

Ordered, That the Convocation be adjourned to Four & Clock, in the Coinage-Chambers.

Four a Clock.
The Convocation then met.

Ordered, That the engrossed Contract be read, which is as followeth.

A T the Convocation, or Parliament, of Tinners held at the Borough of Truroe in the County of Cornwall, the Sixteenth Day of September, in the Second Year of the Reign of our Sovereign Lady Anne, by the Grace of God of England, Scotland, France and Ireland Queen, Defender of the Faith, &c. Anno Domini 1703, for the Stannaries of Cornwall, before the Right Honourable John Lord Granville, Lord Warden of the Stannaries of Cornwall and Devon, Lord Lieutenant of the County of Cornwall, Lieutenant General of her Majesty's Ordnance, and one of the Lords of her Majesty's most Honourable Privy Council, by Vertue of her Majesty's most gracious Commission under the Privy Seal to his said Lordship directed, bearing Date at Westminster the Thirtieth Day of June, in the Second Year of her Majesty's Reign.

Stannators of the Stannaries of Stannators of the Stannaries of Blackmore. Foymore. James Buller, John Trevannion, William Bridges, Dennis Glyn, John Hoblyn, Thomas Wadden, Efqs; Efqs; William Courtney, Charles Grills, jun. John Sawle, Francis Scoble, John Cole, Hugh Piper, Stannators of the Stannaries of Stannators of the Stannaries of Tywarnhayle. Penwith and Kirrier. Henry Vincent. James Praed, John Manley, Renatus Bellot. Francis Baffet, Thomas Vyvyan, Efqs; Efqs: Alexand. Pendarves Edward Penrose, Hugh Tonken, Sampson Hill, John Pollard, James Keigwin, Whereas li

Whereas her Majesty, out of her Princely Compassion of the present ill Circumstances of her ever Loyal Subjects the Tinners, hath been graciously pleased, by her Royal Commission under her Privy Seal, bearing Date at her Majesty's Palace at Westminster the Thirty sirst Day of July, in the Second Year of her Majesty's Reign, to commissionate and authorize the said Right Honourable Lord Warden, to treat of and settle an Agreement with the said Convocation or Parliament of Tinners, on the Part and Behalf of her said loyal Subjects the Tinners, for Sixteen Hundred Tuns of Tin yearly, at the rate of Three Pounds, Ten Shillings per Cent. Stannary Weight, accounting One Hundred and Twenty Pounds, at Sixteen Ounces Averdupois to the Pound, to each Hundred, rebating for debased and bad Tin, as hath been accustomed for the Term of Seven Years.

And whereas her Majesty hath been pleased by the said Commission to declare, that the said Agreement so to be made by the said Right Honourable Lord Warden, on the Behalf of her Majesty, her Heirs and Successors, shall be binding and made good; it is hereby declared, agreed and ordained by the said Right Honourable Lord Warden, on the Behalf of her Majesty, her Heirs, and Successors, and by the said Convocation or Parliament of Tinners now in Convocation assembled, for and on Behalf of themselves and of all the Tinners of the said County of Cornwall, in Manner solowing.

Imprimis, It is declared, agreed, constituted and ordained by the Authority aforesaid, that from and after the First Day of December next ensuing, for and during the Term of Seven Years, her Majesty, her Heirs and Successors, shall have and enjoy Sixteen Hundred Tuns of Tin yearly, Stannary Weight, if so much be made, accounting One Hundred and Twenty Pounds, at Sixteen Ounces Averdupois to the Pound to each Hundred, at the rate of Three Pounds Ten Shillings of lawful Money of England, for every such Hundred Pound Weight, and so proportionably for a greater or less Quantity, rebating for debased and bad Tin, as hath been accustomed.

Secondly, That the faid Price of Three Pounds Ten Shillings, for every such Hundred Weight of Tin of the said Sixteen Hundred Tuns of Tin, shall be paid unto the respective Tinners, Owners, and Proprietors thereof, his or their Assigns, within sourteen Days after the Coinage of the same, at the Coinage Town where the Tin shall be so coined.

Thirdly, It is farther declared, agreed, and ordained, that during the Continuance of the said Term of Seven Years, every Owner and Proprietor of Tin shall be discharged of the Coinage Duty for his Tin of Four Shillings per Cent. and shall pay no more or other Fees than usual.

Fourthly.

Fourthly, It is farther declared, agreed and ordained, that the Property of the Tin shall be and remain in the Tinner, Owner, or Proprietor, until the Price aforesaid be paid and satisfied to each respective Tinner, Owner, or Proprietor, his or their Assigns, and that in Case the said Price of the Tin be not answered and paid to each respective Tinner, Owner, or Proprietor, his or their Assigns, within Fourteen Days after the Coinage thereof, then and in luch Case such Tinner, Owner, or Proprietor so unpaid respectively, shall have his or their Tin redelivered unto him or them, paying or tendring the Coinage Duties for the fame, and shall and may keep and dispose of the said Tin at his or their Will and Pleasure. And it is likewise hereby farther ordered, agreed, and declared, that the Receiver or Comptroller of the Stannaries, or some other Person or Persons be authorized and appointed for the keeping of the respective Coinage-Halls, and to have the Custody of the faid Tin; and that the Receiver or Comptroller, or fuch other Person or Persons as shall be so authorized and appointed, his or their Deputy or Deputies, shall not at any time during the said Term of Seven Years, suffer or permit any Slob, or Piece of Tin, to be carried out of any the respective Coinage-Halls, or his or their Custody, until the said Price of Three Pounds Ten Shillings per Cent. be first paid to each respective Tinner, but shall suffer and permit each respective Tinner, Owner and Proprietor, so unpaid after the Time aforesaid, upon Demand to enter into each respective Coinage-Hall, and to have, take and carry away his or their respective Tin, paying or tendring the Coinage Duties for the same; and in case the Receiver or Comptroller, or other Person or Perfons authorized and appointed to have the Custody of the faid Tin. shall neglect or refuse to redeliver, upon Demand, to each respective Tinner, Owner, or Proprietor, the Tin so unpaid for, upon the Tinner, Owner, or Proprietor's tendring or paying the Coinage Duties for the same, such Receiver or Comptroller, or other Person or Persons, having the Custody or Keeping of the said Tin, shall forfeit for each Offence to such Tinner, Owner, or Proprietor, double the Value of the faid Tin, to be recovered by Bill, Action, or Plaint in the Court of the Stannaries, and being lawfully convicted thereof, shall be for ever incapable of holding or enjoying any Office or Employment what foever belonging to the Stannaries.

Fifthly, It is farther declared, agreed and ordained, that there be yearly during the said Term of Seven Years, Four free Coinages held and kept at every Coinage Town in the County of Cornwall, at the usual Times appointed and accustomed, without Adjournment of the Coinages from the respective Coinage Towns, till all the Tin be coined.

Sixthly, It is farther declared, agreed, and ordained by the faid Right Honourable Lord Warden, for and on the behalf of her Majesty, her Heirs and Successors, that her Majesty, her Heirs and Successors,

Successors, during the said Term of Seven Years, shall have and keep a Bank or Stock of Ten Thousand Pounds Sterling in the whole, to be divided and lodged in each Coinage Town, in such Proportion as shall be thought fit and necessary, to be from time to time lent and advanced to the Tinners betwixt the Coinages, for making any Part of the said Quantity, not exceeding Sixteen Hundred Tuns of Tin yearly, upon good Security, at 6 l. per Cent. for two or three Months, and if lent and advanced for one Month, and the Tin in the Coinage-Hall to be lent gratis.

Seventhly, It is farther declared, agreed and ordained, that for the Prevention of all Differences and Disputes that may happen and arise about weighing of Tin, the Beams, Pins, and all the Weights in each Coinage Town, both great and small, to a Pound Weight, shall be at the next Coinage, in each Coinage Town, assured by a Jury of good and substantial Tinners, according to the Laws and Customs of the Stannaries, and so from time to time, as Occasion shall require, during the said Term of Seven Years; and in case any of the said Weights shall be found to be unjust or insufficient, whereby any Prejudice, Damage, or Loss may come and accrue, either to her Majesty, her Heirs or Successors, or to the Tinner, in their just and equal weighing of Tin, then, and in such Case the same shall be amended, and Satissaction made to the Parties grieved or damnified.

Eighthly, It is farther declared, agreed and ordained, that the Pewterers of the County of Cornwall shall have from her Majesty, her Heirs and Successors, yearly and every Year during the said Term of Seven Years, out of the Tin made out of the said County of Cornwall, so much White Tin as they shall have occasion to use for the making of Pewter, not exceeding Thirty Tuns in each Year, and not exceeding the Price of Four Pounds Six Shillings per Cent. Stannary Weight.

Nintbly, It is farther declared, agreed and ordained, that to prevent any undue Preference in the coining and paying for the Tin to the respective Owners or Proprietor thereof, that at the Charge of her Majesty, her Heirs, and Successors, during the Continuance of this present Contract, a true and exact Register be kept in each Coinage Town, of the Times of Bringing in and Delivery at the Coinage-Halls, of every Parcel or Block of Tin, with the Owners Name thereof, to the end that all such Tin may be coined and paid for in due Course; and if it shall happen that a greater Quantity of Tin than the faid Sixteen Hundred Tuns shall be made and brought to the Coinage-Halls at the End or Determination of any one Year, during the Continuance of the faid Contract or Agreement, that in such Case the said Overplus shall be coined and remain in such Coinage-Hall, or in the Custody of the Officer for that Purpose appointed, or to be appointed, until the next Coinage, and then shall have the Preference to be paid for before any other

Tin whatfoever, and that every Owner or Proprietor of Tin brought to the Coinage-Halls, may at all feafonable Hours have Recourse to the said Register, without paying any Fee or Reward whatsoever for the same; and in case of Resulal or Neglect in the due Registring, Coining, or Paying for the Tin in Course, as aforesaid, unless at the Request or Desire of the Tinner or Proprietor, the Officer or Officers so neglecting or resuling, and being convicted thereof by Verdict in any of the Courts of the Stannaries, shall forfeit his or their Employment, and be for ever incapable of holding or enjoying the same, or any other Office or Imployment whatsoever to the Stannaries.

Tenthly, It is farther declared, agreed, and ordained, that during the Continuance of this present Contract, no Owner or Proprietor of Tin within the said County of Cornwall, shall sell or dispose of any of his Tin to any Person or Persons whatsoever, otherwise than as aforesaid, except in default of Payment for the same at the Times for that Purpose herein before limited and appointed. In Confirmation whereof, the said Lord Warden, on the Behalf of her Majesty, her Heirs and Successors, hath hereunto set his Hand and Seal of the Stannaries, and the Convocators in Convocation assembled, their respective Hands at Truroe, the said Sixteenth Day of December in the said Second Year of her Majesty's Reign.

Ordered, That the Title thereof be, An Act of Convocation in Parliament of Tinners, for a Contract with the Right Honourable Lord Warden, on the Behalf of her Majesty, her Heirs and Successors, for Sixteen Hundred Tuns of Tin yearly for Seven Tears, to be commenced from the First Day of December next.

Ordered, That a Message be sent to the Lord Warden, to acquaint his Lordship that the Convocation hath passed an Act, intituled, An Act of Convocation, or Parliament of Tinners, for a Contract with the Right Honourable the Lord Warden, on Behalf of her Majesty, her Heirs and Successors, for Sixteen Hundred Tuns of Tin yearly for Seven Tears, to commence from the First Day of December next; and to know his Lordship's Pleasure, when this Convocation shall present the same, for his Assent and Confirmation.

Ordered, That Mr. Vincent and Mr. Pendarves do wait on the Lord Warden, to acquaint his Lordship therewith.

Refolved, Nemine contradicente, That the Humble Thanks of this Convocation be returned to the Lord Treasurer, for his extraordinary Kindness to this Country, in relation to the Contract with her Majesty for our Tin, and to pray the Continuance of his Lordship's Favour to the Tinners.

Ordered, That the said Thanks be returned to the Lord Treafurer by a Letter from this Convocation, and that the Speaker do prepare the same.

Ordered, That the Affistants be called in.

The Affishants being called in, presented the Convocation a Paper which they offered to their Consideration.

Ordered, That the Affistants do withdraw.

Ordered. That the Paper delivered in by the Affiltants, be now read!

Ordered, That a Clause be brought in, pursuant to the Desire of the Assistants.

Ordered, That Mr. Manley do prepare and bring in the same.

The Messengers being returned, reported, that the Lord Warden will be attended by this Convocation to morrow by Eight of the Clock in the Morning, in the Coinage-Hall.

Mr. Pollard reported from the Committee appointed to draw up the Address to her Majesty, that they had prepared the same, which he had delivered in at the Table.

Ordered, That the faid Address be read.

Ordered, That the same be read a second time.

Ordered, That the faid Address be engrossed.

Mr. Manley reported from the Committee appointed to draw up an Address to the Lord Warden, that they had prepared the same, which he delivered in at the Table.

Ordered, That the faid Address be read.

Ordered, That the faid Address be read a second time.

Ordered, That the faid Address be engrossed.

Ordered, That the Convocation be adjourned till Eight a Clock to morrow Morning.

Die Veneris 24to Septemb 1703.

Mr. Speaker acquainted the Convocation, that he had prepared a Letter of Thanks to be sent to the Lord Treasurer.

Ordered, That the faid Letter be read.

Ordered,

Ordered, That the same be transcribed by the Clerks, and signed by the Convocation.

Mr. Hoblyn offered to the Convocation, a Clause to be added to the Act for Confirmation of the several Acts of Convocation in the Twentieth Year of King James the First, the Twelsth Year of King Charles the First, and the Fourth Year of King James the Second.

Ordered, That the faid Clause be read.

Ordered, That the faid Clause be read a second time.

Ordered, That it be engroffed.

Mr. Hoblyn likewise offered to the Convocation a Proviso to be added to the said Act, to save and indemnify all Persons from any Forseitures and Penalties they have incurred for the want of the Proclamation of the Acts of Convocation made in the Fourth Year of King James the Second.

Ordered, That the faid Proviso be read.

Ordered, That the same be read a second time.

Ordered, That the faid Proviso be engrossed.

Ordered, That the Committee appointed to consider how to dispose of the Money to be raised for defraying the necessary Charges of this Convocation, do withdraw, and report their Opinion forthwith to this Convocation.

Ordered, That Mr. Bellot, Mr. Sawle, Mr. Courtney, Mr. Manley, and Mr. Pollard, be added to the faid Committee.

Mr. Vincent reported from the Committee appointed to confider how to dispose of the Money that shall be raised, that they had come to several Resolutions, which he read, and which, with some Amendments, were agreed unto by the Convocation, and are as followeth.

Refolved, That it is the Opinion of the Committee, that Eighty Pounds be paid to the Clerks of this Convocation, by the Receiver of the Dutchy of Cornwall, or his Deputy, for their Labours in attending this Convocation, upon producing or shewing to the said Receiver, or his Deputy, an Account from the Convocation, that they have delivered to them a Copy of the Journals of this Convocation, and a Copy of the Contract to each Coinage Town.

Ordered, That Fourteen Pounds be given to the Door-keeper and Attendants, and paid them by the Receiver, or his Deputy.

Resolved,

Refolved, That Twenty Guineas be given to the Lord Warden's Secretary, for the Pains he hath taken in the Business relating to the Convocation, and be likewise paid by the Receiver, or his Deputy.

It is the Opinion of this Committee, that the Residue of the Sum appointed to be risen for destraying the necessary Charges of this Convocation, be given to John Manley, Esq; for the Pains he has taken, and the Charges he hath been at, in the Affairs relating to the Contract with her Majesty.

Ordered, That Mr. Hanner be paid Twenty Pounds of the Eighty Pounds given to the Clerks, the said Mr. Hanner doing his Share of the Business, and paying his Proportion of the reasonable Charges the Clerks have been at.

Ordered, That the Assistants be called in, and that the Speaker acquaint them how this Convocation hath disposed of the Money risen by them for defraying the necessary Charges of this Convocation.

Ordered, That the Assistants do withdraw.

Ordered, That the engrossed Address to her most Gracious Majesty be now read, which is as followeth.

To the Queen's most Excellent Majesty.

The Humble ADDRESS of the Convocation, or Parliament of Tinners, assembled at Truroe the Sixteenth Day of September, in the Second Year of your Majesty's most happy Reign.

Most Gracious Sovereign,

E your Majesty's most dutiful and loyal Subjects, by vertue of your Majesty's most gracious Commission granted to the Right Honourable our Lord Warden in Convocation assembled, are with the rest of your Majesty's loyal Subjects duly sensible of your pious Zeal and constant Care in maintaining the Church of England as by Law Established, as also of your exemplary Justice in preserving the Rights and Liberties of your People; the Sense of which Blessings can never be sufficiently expressed by your Subjects in general.

But We in a particular manner with all Duty and Gratitude acknowledge your Majesty's unparallell'd Goodness, in so graciously taking us into your Royal Consideration, and so seasonably re-

lieving the languishing Estate of the Tinners of Cornwall.

The

The many great Hardships they suffered beyond the rest of your Subjects in the late War, have made it evident they would have been in worse Circumstances in this, had it not been for your Majesty's gracious Condescension to take our Tin (the chief Product of our Country) at a certain Price, which distinguishing Mark of your Princely Compassion fully convinceth us, that no Foreign Difficulties can so far engage your Majesty's Thoughts Abroad, as to sorget the Sufferings of your English Subjects at Home; and what adds to our Happiness is, the great Satisfaction we have in our Lord Warden, who by reason of his constant Zeal for our Establishment in Church and State, as well as for his natural Affection and tender Regard to this Country, may justly be said to inherit the Virtues of his noble Ancestors.

We humbly beg leave to return our unanimous and hearty Thanks to your Majesty for all the Favours, and particularly for being most graciously pleased to take Notice in your Commission to our Lord Warden, of the Loyalty of our Forefathers in that horrid Rebellion against your Royal Grandfather, King Charles the First, of ever-blessed Memory: And to assure your Majesty that we, who so largely partake of your peculiar Bounty, shall endeavour to follow, if not exceed their Examples of Duty and Obedience. That your Majesty may reign long and prosperous over us, and give Laws to your Enemies Abroad, as you do preserve them to your Subjects at Home, shall be the constant Prayers of your Majesty's most loyal Tinners of the County of Cornwall.

Signed by all the Convocation.

Ordered, That the Speaker with the whole Convocation, do defire the Lord Warden to present the said Address to her Majesty.

Ordered, That the engrossed Address to the Lord Warden be now read, which is as followeth.

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and oblige of all to past, that we make the bear well as the contract of the c

To the Right Honourable John Lord Granville, Lord Warden of the Stannaries of Cornwall and Devon, Lord Lieutenant of the County of Cornwall, Lieutenant General of her Majesty's Ordnance, and one of the Lords of her Majesty's most Honourable Privy Council.

The Flumble ADDRESS of the Convocation, or Parliament of Tinners at Truroe affembled, the Sixteenth Day of September, in the Second Year of our Sovereign Lady ANNE.

May it please your Lordship,

County of Cornwall, should want a due Sense of her Majesty's Royal Bounty and unparallell'd Goodness to us and to all the Tinners of Cornwall, if we were not gratefully affected with the great Obligation we owe to your Lordship, from whose generous and successful Intercession we derive such distinguishing Marks of her Majesty's Princely Favour.

We were scarce recover'd out of the great Missortunes this County suffered in the last War, when her Majesty, for the Desence of her own Dominions, and to preserve the Ballance of Europe, was necessarily engaged in the present; which gave us great Reason to apprehend, that much greater than our former Miseries would fall upon us; but her Majesty's gracious Consideration of us, upon your

Lordship's Representation, hath dissipated all our Fears.

This great Benefit we acknowledged your Lordship was pleased to obtain for us, and also that after so long and unhappy Intermission of our Parliament, we have now the Honour to be assem-bled under you, and thereby Opportunity to consider, and with the Affistance of your Lordship's great Wisdom, to apply, proper Remedies to the evil State of the Stannaries, which we are confident will quickly be in a flourishing Condition. We cannot so much acknowledge your Lordship's indulgent and generous Expressions of your Affection and Care of the Prosperity of the Tinners and this whole County. We esteem it our peculiar Happiness, that her Majesty hath placed your Lordship over us, whose early and constant Zeal, after the glorious Example of your noble Ancestors, for the Established Government of this Kingdom in Church and State, do justly render you an Ornament and Delight of your Country, and oblige us all to pray, that we may long enjoy the Happiness of being under your Lordship's Directions and Government, whose Command for her Majesty's Service, we shall upon all Occasions unanimously and heartily obey.

Signed by all the Convocators.

Ordered, That Mr. Speaker with the whole Convocation do prefent the same to his Lordship.

Ordered, That the engrossed A& intituled, An A& for Confirmation of the several A&s of Convocation in the Two and twentieth Tear of King James the First, and the Twelsth Tear of King Charles the First, and the Fourth Tear of King James the Second, be now read.

Ordered, That the said A& do pass, and that Mr. Speaker do desire my Lord Warden, that his Lordship would cause the said A& of Convocation now made, and the rest thereby confirmed, to be printed and published.

Ordered, That the Letter of Thanks sent from the Convocation to the Lord Treasurer, be now read, and that the same be entred into the Journals of this Convocation; which is as followeth.

May it please your Lordship,

THE Convocation having now happily concluded the Contract with her most gracious Majesty for the Peremption of our Tin, and being truly sensible of your Lordship's extraordinary Favour and Kindness, in encouraging and promoting this Work, so beneficial to this County in general, and the Tinners in particular, think themselves obliged, with all the Chearfulness imaginable, to return your Lordship their unanimous and most hearty Thanks on behalf of themselves and these they represent. And 'tis no little Satisfaction to us, my Lord, to see, that amidst all the weighty Assairs which your Lordship daily labours under, and which with so great Integrity you dispatch, the Tinners of Cornwall have so large a Share of your Lordship's Thoughts; and when we consider the Assection and tender Regard your Lordship has upon this, as well as all other Occasions expressed, to our County, we cannot in the least doubt but that you will readily grant what we heartily pray for, the Continuance of your Lordship's Favour, which shall ever be most gratefully acknowledged by,

Signed by all the Convocators.

My LORD,

Tour most Obliged Humble Servants.

To the Right Honourable the Lord Godolphin, Lord High Treasurer of England. Ordered, That the Speaker do desire the Lord Warden to deliver the said Letter to his Lordship.

Ordered, Tht Mr. Bridges and Mr. Manley do wait on the Lord Warden, to know when his Lordship will be attended by this Convocation.

Mr. Manley being returned, reported that the Lord Warden will be attended immediately in the Coinage Hall.

Refolved, That this Convocation attend the Lord Warden accordingly, and that the Speaker do present to his Lordship the several Acts of this Convocation for his Lordship's Affent and Confirmation. And after the Lord Warden had ratisfied and confirmed the said Acts, the Convocation was prorogued to the Eleventh Day of April next.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

E your Majesty's most dutiful and loyal Subjects, in Convocation or Parliament of Tinners at Truroe, the Twentieth Day of April, 1710, assembled, do think it our Duty to make our utmost Acknowledgments to your Majesty, not only for the Blessing we enjoy in an equal Degree with the rest of your Subjects, but as becomes us in a particular manner, for your Royal Indulgence to this County, in the late Contract for our Tin at the Beginning of a War, when the Tinners were under the greatest Apprehensions of being reduced to extream Misery.

And as we are truly sensible your Majesty proposed by that Contract, no other Advantage but that of the Tinners of your ever loyal County of Cornwall (whose Merits and Sufferings were so graciously recommended by your Majesty's Royal Grandfather to this Posterity) so we beg leave to assure your Majesty, we are now met together with Hearts fully disposed to enter into a new Contract

on such Terms your Majesty may not be a Loser.

But we should think our selves wanting in Duty to our Country, if we did not represent to your Majesty, that since the Instructions annexed to the Lord Warden's Commission for holding this Convocation, by which we are to abate Five Shillings per Cent. were granted, the Exportation Duty of Three Shillings per Cent. on Tin is taken off, which, we humbly conceive, was designed for the Advantage of the Tinners; and tho' your Majesty will have an immediate Benefit on all the Tin which remains unfold on the old Contract, as well as on that Tin you will receive by the new, yet we are willing to accept of 3 l. 5 s. per Cent. Stannary-Weight, for our Tin during the War, and only presume to beseech your Majesty that

we may have 31.8s. in Time of Peace; otherwise (Tin being the Staple Commodity of this County) we shall not equally partake of

that Bleffing with the rest of our Fellow Subjects.

We farther beg leave to represent to your Majesty the great Sufferings the poor Tinners laboured under during the late Contract, by a constant Surplus, which obliged them to sell their Coinage-Bills at a great Discount; and having just reason to apprehend that this Contract will begin with a new Surplus, we think our felves obliged to defire, that fufficient Care may be taken to prevent it; and therefore we make it our humble Request to your Majesty, that you will be graciously pleased to order the Lord Warden's Instru-

Aions to be enlarged in these Particulars.

We also think it our Duty to inform your Majesty, that 3 1.8 s. per Cent. Stannary Weight, is a lower Price than was ever contracted for in any Farm; and that it is the unanimous Opinion of the most experienced Tinners, that the whole Tin of this County upon Avaridge, cost the Adventurers about 3 l. 10s. per Cent. Merchant Weight; that all our old Mines are wrought very deep, and consequently must grow daily more chargeable; that the Wages of the labouring Tinners are already reduced so low, as but barely necessary for their Subsistance, and that likewise since the Date of the Instructions to the Lord Warden, a Duty upon Candles has by Act of Parliament been laid, which is a very great additional Expence in praising of our Tin: All which in the most humble and the most dutiful manner, is submitted to your Majesty's most wise and gracious Confideration, by

Tour Majesty's ever Faithful

and truly Loyal Subjects,

James Buller, Speaker. John Tredenham, Francis Scoble, Granville Piper, John Pollard, Thomas Trewren, Tho. Tonken, Samuel Trefusis, Ed. Hearle,

in Pollard

Framas Tonker

Samuel Emily Sangel Foots

Penwith of Kirose.

Serbord Frank, Bare

Estrabler Harris.

Sam. Ennis, Nicholas Morris, Hugh Piper, Richard Vyvyan, Henry Vincent.

John iredenham, Samuel Tresules, .

Tast Orderd.

Formore.

Sie Niebelas Alarice, Line.

Jobn Burion,

James Buller,

Tingle Piper,
Grammitle Piper,
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My Lord Warden's Anfwer.

Gentlemen,

I AM glad of this Opportunity thus publickly to let you know, that I cannot charge my felf with any Address to her Majesty, until you have given me a direct Answer, whether you will accept the farm on the Foot I have been impowered to offer it to you, or not; and the Reason is, I can never be consenting to its Method, which I am convinced will prevent this Contract, without which I think the Country ruined, and by which we may make our selves and our poor Neighbours happy; for by the Endeavours I have already used to procure better Terms, if possible, I am satisfied we shall not again get those, if we do not take them whilst in our Power.

The address above not fent.

A T a Convocation of Twenty four Standards, or Parliament of Tinners for the Standards in Corneal, held in Transe in the faid County of Corneal, the Twentieth Day of February, in the Eighth Year of the Reign of our Sovereign Lady Queen Anne, over Great Britain, &c. before the Honourable Phys Bolomen, Eq. Lord Warden of the Standards of Cornwall and Deven, by vertue of her Majesty's most gracious Commission under her Privy Seal to the Lord Warden directed, bearing Date at Westminster the Thirteenth Day of January in the said Eighth Year of her Majesty's Reign, and by several Prorogations continued and put over unto the Twentieth Day of April, in the ninth Year of her Majesty's Reign.

Stannary-Towns.

Blackmore.		Tywarnhaile.	
Edward Herte, Edmund Prideaux, John Tredenham, Samuel Trefusis, Paul Orchard, John Burlace,	Eq;	Richard Edgcombe, Henry Vincent, John Pollard, Thomas Tonken, Samuel Ennis, Samuel Foot,	Eíq;
Foymore.		Penwith and Kirrier.	
Sir Nicholas Morrice, Bart.		Sir Richard Vyvyan, Bart.	
James Buller.)	Christopher Harris,	
Hugh Piper.		John Trelawney,	ie manifesti
Granville Piper,	Efqs;	Renatus Bellot,	Efq;
Francis Scobel,	m M	Francis Hoblyn,	Te min
Thomas Trewren,	1	Sampson Hill,	
			Pursuant

Pursuant to the Returns, the Convocators all met (excepted John Manley, Elq.) and proceeded to the Choice of a Speaker.

Resolved, Nemine contradicente, That James Buller, Esq be Speaker of this Convocation.

Ordered, That Sir Richard Vyvyan, Bart. and Richard Edgrumbe, Esq; do attend the Lord Warden, to know his Pleasure when this Convocation shall present him their Speaker.

The Messengers being returned, reported, that the Lord Warden will be attended by this Convocation with their Speaker this Afternoon, by Four a Clock in the Coinage-Hall.

ordered, That Henry Polkinborne, Thomas Wadden, and John Woodridge, jun. Gent. be our Clerks, and that they do attend us, and execute our Commands from time to time during this Convocation.

Mr. Speaker acquainted the Convocation, that he had obtained a Copy of the Lord Warden's Speech at the opening this Convocation, which he read, and is as followeth.

Gentlemen,

THE Privy Seal you have heard read, will sufficiently acquaint you with her Majesty's most gracious Intention in calling us together at this time; and the Copy of my Instructions, which I am ready to lay before you, will also let you see the utmost Length of the Powers which I have the Honour to be intrusted with for your Service.

The present Proposition for a new Contract is reduced to the lowest Terms, which can consist with her Majesty's not continuing still a Loser; and since the Advantage intended by it is wholly to the Country, there is no need of using any other Inducements with Gentlemen, who must throughly understand its Interest, to a ready

and thankful Acceptance of the Favour.

There is one Inequality in the Distribution of the great Advantages which our Country receives from these our Contracts with the Crown, that the Western Parts of us are always postponed of Necessity in their Payment. To this Inconvenience I know of no Remedy so natural and proper as our Agreement (if you think sit) to make the Commencement of the Coinage in each Quarter altermate. And if in this, or any other needful Regulation in the Management of the Stannaries, you shall judge my Service can be of any Use, as the Knowledgment I have of her Majesty's singular Affection to this her ever loyal Country, gives me just Hopes they will not be employed in vain; so I shall think my self infinitely happy, that at the same time I am pursuing the true and proper Interest of this my native County, I may have the Honour also of

bns , w and

being so far an Instrument towards the Service of her Majesty, in the general Aim and Endeavour of her Government, to contribute the utmost in her Power, to the universal Ease and Happiness of all her Subjects, over whom I pray God to grant her long to reign in all Prosperity and Peace.

Ordered, That the Thanks of this Convocation be given to the Lord Warden, for his excellent Speech to the Convocation.

Ordered. That the whole Convocation do attend the Lord Warden with the same.

Ordered, That Mr. Edgcombe, Mr. Harris, and Mr. Emys do attend the Lord Warden, to know his Pleasure when he will receive the Thanks of this Convocation.

we re ton. Goet the our Cledes, and the cases do desind us, and Mr. Speaker sequented the Convication, that he had obtained a Copy of the Lord Warden's Speed on the opening the Convoestion, which he read, and so a followish.

HE Prisy Scal you have learningal, will fufficiently acquains you with her Majethy's most gracious lineation in calling or to lav before you, wal elfafer you fee the semost Length the Powers which I have the Honour to be intruded

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THE

COURTS

OF

STANNARIES

IN

CORNWALL and DEVON.

HE Style of the Courts of Stannaries always hath been during the Reign of H. IV. H.VI. and Eliz. Magna Cur' Dom' Regis Ducatus sui Cornubiæ apud Crockerenton in Comitat' Devon' coram B. R. Custode Stannariæ dict' Dom' Regis in dicto Com' Devon'.

The Jurisdiction of this Court is guided by special Laws, by Customs, and by Prescription, time out of Mind.

The first Process of the Stannary-Court is a Summons; and for want of Appearance on the Service thereof, a Distringas issues to distrein the Goods until the Defendant appears; if no Goods, a Capias issues to arrest the Body of the Defendant; if arrested and appears not the third Court, he is condemned. If the Defendant appear, then the Plaintiff declares his Cause of Action, and proceed to Issue and Tryal; and, as in Cases of the like Nature in other Courts, after Verdict no Execution can be awarded till the next Court Day, when the Party against whom the Verdict is, may, if he think sit, appeal to the Vice-Warden, and not relieved there, to the Lord Warden, and from thence to the Prince's Council.

33 E. 1. Rot' Cart' pro Stannator' nostris in Com' Devon' & Cornub' grant to them, &c. of their Privileges, viz. Tout in forsq; del liens, del Prisons, scilicet Lostwithiel pro Cornub' & Lydsord pro Devon' & del Coinage, viz. Lostwithiel, Bodmyn, Liskerret, Truroe & Helstone in Cornub'

33 E. I. Libero Parliamen' ad Petitionem Stannar' Cornub' conce- The Residue of ditur Char' Libertatum, juxta formam Consirmat' Regis Hen. pro se this Placitum non conjunctim cum Stannator' Devon' &c. I E. 2. Rot. Patentium cording to the concessio Minerariis Regis in Minera Regis in Com' Devon' quod inst a Original. die consectionis presentium pro Quadrien' prox' sequen' completum, liberi

2 Danvers Abridgment, fo. 302.

Sunt, & quieti in Civitatibus, Burgis, Villis, Mercatis, & aliis locis quibuscunq; in Com' Devon' præd' & aliis Com' vicinis, de Theoloneo & omnibus aliis consuetudinibus, prestantis de quibuscunq; necessariis pro victu & vestitu eorum Minerariorum ibidem emendis. Et quod de transgressionibus, occasionibus, personalibus, seu plucitis aliquibus, &c. non placitent, mec placitentur contra voluntatem sum, nist coram Custode nostr' præd' Mineræ & Vicecomit nostr' ejustem Com' qui pro tempore fuerint, vobis omnibus & fingulis firmiter inhibentes.

4 H. 8. Cap. 8. If any Persons shall be sued, accused, indicted, 4 H. 8. c. 8. imprisoned, amerced, condemned, or otherwise vexed or troubled in his Person, Lands, Tin-Works, Goods, or Chattels, by any of the Ministers or Officers of the King's Courts.

> The Court of Trematon in Cornub' is not any Stannary-Court, for the Stile of the Court is Manerium de Trematon Cur' Dom' Regis ibidem tent' coram J. S. &c.

Cook Ent. 293.

A Writ of Error lies in B. R. upon a Judgment there, and they may hold Plea there of Replevins. Co. Book of Entries, fo. 293. between Walter Skelton and Starkey, 15

If a Suit be in the Dutchy-Court of Calflock in Cornub' touching Cro. Car. 333. If a Suit be in the Dutchy-Court of Calflock in Cornub touching Roll. Abridg. a Copy-hold, and after a Verdict, Mr. Coryton the Vice-Warden 314. vid. with she Notes there. grants a Mandate to the Steward of the Court not to give Judgment, for that the Defendant had petitioned him in point of Equity, and a Prohibition was granted upon a Surmise, that the Vice-Warden hath nothing to do, as Vice-Warden, in the Dutchy-Courts. But there hath been a Usage to appeal to the Lord Warden, as Chief Steward of the Dutchy, for Matters of Equity; and Mr. Coryton was only Vice-Warden of the Stannaries by his Patent, and not Deputy Steward of the Dutchy. Tr. 10 Car. upon the Motion of Mr. Attorney General, a Prohibition granted.

For any Matthere given on Collateral Matters, 3 Roll. 183.

No Writ of Error lies upon any Judgment in these Courts, but ters touching the Party grieved must be relieved by Appeal in several Degrees; Otherwise on first to the Steward of the Stannaries where the Matter lies, then to the Vice-Warden, and from him to the Lord Warden, and for want of Justice there, to the Prince's Privy Council. 4 Instit. 230.

Blowers, and all other Labourers and Workers, without Fraud Refolved by all or Covin, in and about the Stannaries in Cornwall and Devon, have the Judges.
2 Roll. Rep. the Privilege of the Stannaries during the Time they work there. 44 6 45. 4 Institut. 231. Resolved by all the Judges.

Teansitory Actions between Tinner and Tinner, or Worker and 4 Infit. 231. Worker, tho' not concerning the Stannaries, nor arising therein, if the Defendant be found within the Stannaries, may be brought in these Courts, or at Common Law. 4 Instit. 231. Resolved by all the Judges.

But

But if one Party only be a Tinner or Worker, such Transitory Actions which concern not the Stannaries, nor arising therein, can't be brought there. 4 Inflit. 231. resolved by all the Judges. And 4 Inflit. 231. in such Case the Defendant, by the Custom and Usage of that Court, may plead to the Jurisdiction, and ought not to be arrested eundo to fwear it, or redeundo.

There ought to be no Demurrer in these Courts, for want of Form, and for Matters of Substance only. 4 Instit. 231. Resolved 4 Instit. 231. by all the Judges.

They have no Jurisdiction of Local Actions arising out of the Stannaries; and Matters of Life, Members, of Plea of Land, are expressy excepted out of the Charters. 4 Inflit. 231. Resolved by 4 Inflit. 231. all the Judges.

Defendant pleaded to the Jurisdiction of the Court, reciting Rep. 849.

Char. E. 1. and setting forth that he was a Tinner; Plea held good, 1 Roll. 295. but the Defendant ought to shew the Patent, because he was privy to it.

It is usual to grant Prohibition before Judgment to the Stannary- 2 Roll. 253, Courts; but dubiatur whether it lies after Judgment. But all agreed 254-it better to acquaint the Prince's Attorney General; and that in Case a Prohibition being prayed after Judgment, there (the Court faid) to stop Execution, an Artachment should iffue, and shew Caufe why a Prohibition should not go.

The Courts prescribe to hold Plea of any Sum, if it be in Matters touching the Stannary.

A Prohibition was prayed against the Lord Warden of the Stannaries and his Deputy, and against R. A. and others, for that they procured an Order, or Decree, for Payment of a Sum of Money without any Bill or Summoning the Defendant to appear, and without any Answer or Sentence of the Court; so that Proceedings were Coram non Judice, and without any formal Cause, were illegal; Cro.Car. 333. and the King's Courts shall take Notice when Proceedings are irre- Roll. 314. gular; and further, that the Jurisdiction of the Stannaries is only for Tin Matters, and where the Persons, or one of them be a Tinner; whereupon a Prohibition comprising all this Matter was granted.

It was objected in Michaelmas Term, 4 Jac. that the Charter of E. 1: extends only to Tin within the Lands of the King himself; Vid. 12. Cook, but was resolved, that by the Clause sodere & sundere Stannum fo. 11. terris nostris & vastis nostris, & aliorum quorumcunque, & e. steut antiquitas consuevit, &c. By which was manifest, that the King hath all the Tin, as well in the Land of the Subject, as in his own proper Demeine.

There

There are two several Charters of Liberties and Privile ges, both bearing Date the Tenth of April, Anno 33 E. 1. the one ad Emendationem Stannariarum nostrarum in Com' Cornub', and the other ad Emendationem Stannariar' nostrarum in Com' Devon'; these Charters were confirmed Anno 35 E. 1. the 1 E. 3. and 17 E. 3. And in the 50 E. 3. an Exposition of the said Charter was made by Parliament. Char. E. 1. was confirmed to the Tinners of Cornwall, at their Suit 8 R. 2. It was also confirmed to the Tinners of Devon, at their Suit Anno 1 E. 4. and 3 H. 7.

Vid. Stat. 11 H.7. throughout all England, provided always that this Act should not extend, or be any ways hurtful or prejudicial to the Prince within the Dutchy of Cornwall, or any Weights belonging to the Coinage of Tin within the Counties of Cornwall and Devon, but that such Weights should be used, &c. as hath been accustomed.

35 E. 1. 2 Danver's Abridgment, fo. 302. Tit. Stannaries.

Hill. 35 E. I. B. R. Walter Wallins, Stannator, was indicted at Exeter before the Justices Itinerant, for killing Walter Wallins, the Son of his Brother, in Decena de Holme; and after it is there faid, quod locus in quo interfectus fuit, fuit infra libertatem Stannariæ; and after the Defendant rendred himself to the Sheriff of the County of Devon; and after Thomas de Swinesay, Custos Stannariæ, came to the Sheriff, and required him to deliver the faid Defendant to him; upon which the Sheriff delivered him to the said Thomas, by which the Defendant was ductus ad Goalam de Lydford, in libertate ejusdem Stannar'; and after it is said, quod Defendens adhuc est in Lydford, infra libertatem præd' Stannar'; and after it is demanded of the Sheriff, wherefore he delivered the Defendant to the Custos of the Stannary; who faid, that he demanded by Force of the faid Charter 33 E. 1. upon which they were adjourned to Westminster coram Rege, and a Day given to the faid Custos and to the faid Defendant, to answer it; but the Custos did not come, but excused himself by Sickness, and for the Damage that might arise in the Stannaries by his Absence; but the Defendant appeared there, and pleaded Not Guilty.

2 Danv. ut fupra.

W. B. and T. G. are sued by Writ of Conspiracy by J. T. for appealing him of a Robbery 3 E. 2. &c. Upon which comes P. W. and shews the Letters Patents of 33 E. 1. which are entred in bæc Verba; and thereupon P. W. demands Connusance of this Plea, for that the Desendants sunt Stannatores curiam babere non debent, quia dicit, quod ista sequela jam pro quinque dies versus præd' Def' & alios continuata est; absque hoc, quod præd' P. W. vel aliquis alius eorum Ballivus, Curiam suam inde petiisset, vel Chart' præd' ostendisset: Dicit etiam, quod cum contineatur in dict' Chart' quod præd' Stannator' operantes in Dominicis Regis, dum operantur in eisdem Stannar', liberi esse debeant & quieti de omnibus placitis & querelis Curias Regis tangent'. Et cum præd' P.W. asserit, præd' Stannator' coram nullo Justi-

ciari

ciario Regis vel Ministro, nist coram corum Custode, non debere respondere, præd' Defend' non sunt operantes in Dominicis Regis, nec alibi operantes, & boc offert verificare prout, &c. Profert etiam quandam Commissionem & quoddam Breve Regis, pro quod quidem Brev' idem Rex præd' W. B. & alius mandavit quod Thom' de la Hyde Custodem Stannariæ Regis præd' in socium admittant, ipso Thom' tunc ibidem præfente & prad' Commissionem admittente. And the faid Defendants being demanded whether they will, answer, that not till it be de-termined whether they shall have their Court; and the Plaintiff demands Judgment as in Defensum, upon which a Day is given over ad audiendum Judicium, but nothing done in the Roll.

Touching allowing or difallowing of Writs of Error, concerning Mich. 4 Eliz. Causes determinable in the Stannary Courts in Cornwall, was by Trewyn-Order of the Lord Chancellor refered to the Master of the Rolls Vid. simile and the two Justices; whereupon hearing Council learned on both Dyer, fo. 376. fides, and on Consideration of the antient Customs, Liberties and Charters, made their Report, that they did not think it convenient, that any Writs of Error should pass, or be suffered to reverse any Co. Inflir.229. Judgment or Execution there depending.

The same Case was depending in the Star-Chamber, Mich. 7 Eliz. Mich. 4 Eliz. by two Bills there depending, for several Defendants seizing and Judgment to taking Cattle, the Goods of the Plaintiff, on an Execution from the be reverfed by Stannary-Courts, was by the said Court dismissed, referring the Steward, Vice-Proceedings on the said Judgment to the Order of the Stannary-Warden, and Court, according to diverse Customs and Liberties, ratifyed by se-Lord Warden; veral Acts of Parliament, where it does appear, that in Case any of Justice, to Complaint for Defect of Justice, the same is to be referred in several the Prince's Degrees, first to the Steward, then to the Vice-Warden, and from Degrees, first to the Steward, then to the Vice-Warden, and from him to the Lord Warden, and, for Default of Justice at his Hands, to the Prince's Privy Council, and not examinable here, or in any other Court.

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Term' Mich' The Refolution of all the Judges (by Force of his Majesty's Letters) concerning the Stannaries in Devon and Cornwall, upon the hearing of the Counsel Learned of both Parties at several Days, and what could be alledged and shewed on either Party; and upon View and Hearing of the former Proceedings in the Courts of the Stannaries, both before and fince a certain Act of Parliament made concerning the Stannaries in See this Att of over ad audicadum Judicium, but nothing done in the R. 3. 3 of

Parliament before set forth.

First, TE are of Opinion, that as well Blowers as all other Labourers and Workers, without Fraud or Covin, in or about the Stannaries in Cornwall and Devon, are to have the Privilege of the Stannaries, during the time that they work there.

Secondly, That all Matters and Things concerning the Stannaries. or depending upon the same, are to be heard and determined in those Courts according to the Custom of the same, time out of mind of Man used.

Thirdly, That all transitory Actions between Tinner and Tinner, or Worker and Worker, (tho the Caule be collateral) and not pertaining to the Stannary, may be heard and determined within the Courts of the Stannaries, according to the Custom of the said Courts, about the Cause of Action did rise in any Place out of the Stannaries, If the Defendant be found within the Stannary, or may be fued at the Common Law, at the Election of the Plaintiff: But if the one Party only be a Tipper, or Worker, and the Cause of Action being transitory and collateral to the Standary, do rise out of the faid Stannaries, then the Defendant may, by the Custom and Usage of those Courts, plead to the Jurisdiction of the Court, that the Cause of Action did rise out of the Stannaries and the Jurisdiction of those Courts, which by the Custom of the Court he ought to plead in proper Person upon Oath; and if such Plea to the Jurisdiction be not allowed, then a Prohibition in that Case is to be granted, and if in that Case the Desendant do come to plead to the Jurisdiction of the Court upon his Oath, he ought not to be arrested eundo, redeundo, vel morando, at the Suit of any Subject in any Corporation, or other Place where the faid Courts of the Stannary shall be then holden.

Fourthly, If the Defendant may plead to the Jurisdiction of the Court in the Case before mentioned, and will not, but plead and admit the Jurisdiction of the Court, and Judgment is given, and the Body of the Defendant taken in Execution, the Party cannot by Law have any Action of false Imprisonment, but the Execution is good by the Custom of the Court: But if in that Case it doth ap-

pear

pear by the Plaintiff's own shewing, that the Contract or Cause of Action was made, or did rise out of the Stannaries, and the Jurisdiction of those Courts; or if it appear by the Condition of the Bond, whereupon the Action is grounded, that the Condition was to be performed in any Place out of the Jurisdiction of those Courts, then all the Proceedings in such Cases, upon such Matter apparent, are coram was Judice.

Riffely, We are of Opinion, that no Man ought to demurincular Court for want of Form, but only for Subfiance of Matter. As if an Action be brought there for Words which will bear no Action, or an Action of Debrupon a Contract against Executors, or Administrators, or fuch like; in such Cases a Demurer may be upon the Matter, and that the Proceedings there much be according to the Custom of those Courts, used time out of mind of Man; for that no Writ of Error lieth upon any Judgment given there, but the Remedy given to the Party grieved, is by Appeal, as hath been time out of mind of Man accustomed.

Sizebly, That the Course of the Stannary have not any Jurifdiction for any Cause of Action that is local, arising out of the Stannaries

Seventhly, That the Privilege of the Workers in the Stannaries, doth not extend to any Cause of Action that is local, arising out of the Stannaries (for Matters of Life, Member, and Plea of Land, are by express Words excepted in their Charters;) and no Man can be exempt from Justice. Vid. lib. Intr. Cook, so. 467, Tit. Prohibition; and so. 23. 293. b. in Error. Vide Fleta, lib. 6. cap. 7, 9. Servitia vero.

The Opinion of the Judges in the Third Year of King CHARLES the First.

Abufes bom remedied.

Appeal, as hath been

is local, suffice out of the

ND we having peruled all the rest of the Articles of the said Resolutions, are of Opinion, that they are to be pursued and followed in all things, and that if these Exemplifications shall be purfued hereafter, that then all the Proceedings in the Stannary-Courts, contrary to those Explanations, shall be void, and corden non Judice, in such fort as other things in the said Articles are appointed to be when they are not pursued, and that the Party grieved may take their Remedy in Common Law, and that Prohibition and Habeas Corpus may be granted in these Cases respectively, when any fuch Case shall happen.

Nicholas Glide, | Thomas Richardson, John Walter, Thomas Trevor.

John Durham, James Whitlock, William Jones, Richard Hotton, Francis Harris, George Crooke, Francis Harris, George Crookes, and the Francis Harris, Henry Televerton, Thomas Trever.

Severally, The the Privilege of the Workersho che Stannaries.

Soundly, The the Privilege of the Workersho che Stannaries, with nocky and to any Came of Action that is local, and the of Land, are the Stannaries (for Marrers of Live, Merris of Live, The Tolk that can be exampt from 1 whice. Filed, the form for the care, and for any age. It in Error. That fleta, Merris of the cap. The Servicia and for any age. It in Error. At Serjeant's Inn in Fleetstreet the Fourteenth Day of No- Car' Primo. vember in the Third Year of the Reign of our Sovereign Lord King Charles, by the Grace of our Lord God, &c. 1647.

Judges, upon the Six and twentieth Day of November, in the Sixth Year of the Reign of our Sovereign Lord King James, concerning the Stannaries in Devon and Cornwall; which Refolution, by the Misinterpretation thereof, and by the enlarging of Resolutions in some Part, contrary to the express Words thereof, and by some Miscarriage of some of the Under Officers there, and likewise of the Bayliss great Grievances and Vexations, which have of late happened and appeared to the Inhabitants of the County: And whereas the Right Honourable William Earl of Pembroke, Steward of the King's Houshold, Lord Warden of the Stannaries, and one of his Majesty's most Honourable Privy Council, hath referred the Explanation of the said Resolution, and Ordering of the said Diffe-

rences to all his Majesty's Judges:

We have perused the said Resolutions, and having had the Counsel learned on both sides, and having heard also his Majesty's Attorney General, we do explain the first Article of the faid Resofution as followeth; "That is to fay, As well Blowers as all other Labourers and Workers, without fraud or Covin, in and about " the Stannaries of Cornwall and Deven, to be taken for such Tin-" ners as are to have their Privileges to fue and to be fued in the " Courts of the Stannaries, during the Time they work there, and " no longer, and no other Tinner whatfoever; for altho' many " Perfons be styled Jurors of the Stannary-Courts, Owners, Ad-" venturers, Undertakers in Tin-Works only (to fue and to be fued in the Stannary-Courts, and not elsewhere) are such Tinners as " are Blowers, and all other Labourers of the faid Work, during " the Time or Attendance of this Work, and no longer, and no " other Tinners to appear so to be by former Act of Parliament, " as well in the Fiftieth and Fifty first Years of the Reign of King " Edward the Third, when Richard Duke of Cornwall interceeded, ". as also in the Eighth Year of the said Richard when he was King, " which was finally refolved upon accordingly, in these Words " following.

For our Stannaries in the Counties of Cornwall and Devon, the King Sendeth Greeting.

Hereas amongst other Liberties and Privileges granted to the Stannaries in the faid Counties, by the Charter of the Lord Edward, sometimes King of England, with the Son of our Progenitors, sometime King of England, our Grandsather and the late Edward King of England our said Father, confirmed by their Charters to all the aforesaid Stannaries, working in the said Stannaries, which are our Demesnes, while they work in those Stannaries, be free, we will, and our Sovereign Lord our Grandfather, by his Letters Patents, that those Workers abovementioned be taken and clearly understood of Labouring Tinners only in these Stannaries, without Fraud or Deceit, and not other elsewhere

working.

And as touching the third Article of the faid Refolution, which doth concern the Extent of the Stannaries, what Place or Places shall be taken to be within the Stannaries, and what Places be without, was controverted before us; We are of Opinion, That every Village, Tithing, or Hamlet, and all Tenements, Commons and Moors, Wastes and Grounds, within any of the said Villages, Tithings, or Hamlets, wherein any fuch Tin-Works now are, or hereafter shall be found or wrought, shall be taken and accounted to be within the Stannaries, during the Time of the Continuance of any fuch Work, and no longer, and no other Place; which is also confirmed by the said last mentioned Resolution the Eighth of Richard the Second, in these Words, "And for the faid Article, that the Steward of the Court, or his Deputy, may hold all Pleas " between Stannaries, arifing within Stannary Jurisdictions, extend-" eth it according to the Force of the faid Charter, in these Words, " viz. These Places where these Works do work, and not elsewhere, " neither in other manner, even in the Charter confirmed, and the Letters Patents aforesaid confirmed.

To the Right Honourable William Earl of Pembroke, Knight of the most Noble Order of the Garter, and Lord Warden of the Stannaries.

N all Humility beseeching your Lordship, the Tinners of the A Petition of County of Cornwall, That whereas according to our ancient of Timers to the Customs, Privileges, and Charters, granted unto us by his Majesty's Lord Warden. Noble Progenitors, and hath hitherto enjoyed without Impeachment, your Lordship and your Noble Predecessors, Wardens of the Stannaries in the faid County, and their Deputies, have used to hold Plea between Tinner and Tinner, and Tinner and Foreigner, in the Stannary Court, and in no other Court, of all Matters arising within the Jurisdiction of the said Stannaries (Pleas of Land, Life and Maim only excepted.) And whereas by the faid Customs, Liberties and Charters, no Tinner should be convented, served, or compell'd to answer for any Cause, (Land, Life and Maim only excepted) before any other Judge, Officer or Magistrate, but only before the Lord Warden, or his Deputy (except it were by Course of Appeal from the Lord Warden to the Privy Council;) which our Liberties, Privileges and Customs, having been heretofore at fundry times controversed before the Lords of the Star-Chamber, in the High Court of Chancery, in the King's Bench, and Court of Common Pleas, have receiv'd Allowance in all the faid Courts, and the Causes brought before them have accordingly been difmissed, to be considered of and deter-mined by the Lord Wardens for the Time being. And whereas also the late Queen Elizabeth, by her Letters directed to the Justice of Assize of the Counties of Devon and Cornwall, was graciously pleased to will and command all Judges, Justices, and other Officers whatfoever, for the Cause before mentioned, not to convent, precept, or compel any Officer or Bayliff of the Stannaries, or any Tinner, to answer for any Cause or Abuse arising within the said Stannaries, and determinable there; but that the Government, Judgment and Correction of all and fingular fuch Cases and Matters, should from henceforth be permitted and suffered to have their Passage before the Officers of the Stannaries, and for Default of Justice at their Hands, by Appeal to the Warden, and from him to the Privy Counsel, as in former Times had been used, as by the faid Letters it may appear: All which, notwithstanding diverse Foreigners have lately sued and arrested some of us Tinners, and the Officers of the Stannary Courts, with Writs of false Imprisonment for executing of Stannary Process, and for suing them in the Stannary Courts for Causes determinable there, and stick not to threaten the same to your Lordship's Deputy in the said Courts; yea, and diverse Tinners also, set on and encouraged thereunto by the malicious and covetous Humours of Attorneys at the Common Laws, have not feared to violate the Laws and Customs of the Stannaries for Appeals to be made to your Lordship; and (which hath not been heard of in our Courts before this Time) have pro-

cured out of diverse Courts at Westminster, Prohibitions to stay the wonted and due Proceedings of the Stannary-Courts, yea, and to deliver Parties in Execution out of Prison, which, because the Vice-Warden and Steward would not obey, they are threatned with Attachments, which they daily expect to be served on them; yea, and some Attorneys at the Common Law have incited diverse Men to call in question Judgments long since given and past, affirming, that the Judges are of Opinion, that all such are void, and coram non Judice, unless they be for Tin or Tin Causes, or between Working Tinners only who are in Number and Degree the least and meanest Part of us, and for the most part are Foreigners, and hired to work in our Tin-Works for Day-Wages) who if they only shall be privileged, then shall the whole Body of the Stannaries be barred and excluded from their antient Privileges, Liberties, and Customs formerly used and enjoyed, and we (who do only bear the Charge and the Adventure of the Workmens uncertain and doubtful Labours) shall not only be discouraged from the hazardous Search of Tin, but shall be forced to leave our Works and Labours, by coming up to London to answer frivolous Matters, when we may have Justice at home, whereby many of us will be utterly undone, his Majesty's Custom and Peremption decayed, and in a short Time little or nothing worth.

Our humble Suit therefore unto your Lordship is, that as your Lordship bath already begun to protest our Privileges and Liberties, by punishing one Offender against the same, to the Terror of others, who are mainly bent and risen against us (for which your Lordship's Care and Providence in our Behalfs, we humbly thank your Lordship;) so your Lordship following your Honeurable Course begun, and the worthy Steps of your Noble Predecessors, would be pleased to undertake our Cause, and to procure us to the quiet Enjoyment and Maintenance of our wonted Customs, Liberties, and Jurisdictions, by such Means and Courses as to your Lordship in Wisdom shall seem most meet and expedient; wherein we are insorced to be humble Petitioners unto your Lordship, praying God to send your Lordship happy Success therein, and long Continuance in all Prosperity and Honour.

This Petition of the Tinners it pleased your Lordship to send to the Lords of his Majesty's Privy Council, desiring their Lordships by your Letters to take some Course therein; because by these Proceedings against the Stannaries, their Authority seemed to be no less infringed than your Lordship's. The Copies of which Letters follow.

AY it please your good Lordships to understand, that whereas amongst other Privileges and Immunities granted by his Majesty's Noble Progenitors unto the Tinners of the Stannaries of the Counties of Cornwall and Devon, and by his Majesty's Letters unto me (whom it pleased his Majesty to make their Warden) expresly required to put in Execution, one of the chiefest is, That they shall hold Plea amongst themselves of all Causes (some few excepted) arising between Tinner and Tinner, or between Tinner and Foreigner, and that they shall not be impleaded elsewhere, or be subject to answer for any Cause, Abuse, or Misdemeanor arising or growing within the Stannaries, before any Officer or Judge, faving their Warden only, or his Deputies, and for Default of Justice at their Hands, by Appeal before your Lordships; which Form of Proceeding hath been hitherto (altho' not without often Opposition) inviolably observed. Now of late diverse Attorneys at the Common Law, and some others maliciously affected to that Jurisdiction, have incited such as have been condemned in the Stannary-Courts, to fue unto my Lords the Judges, who, as it should seem, taking no Notice of such Jurisdiction, have suffered Process to go out against diverse Tinners and Stannary Officers, compelling them to answer before them in Actions of false Imprisonment, for executing only the ordinary Process of the Stannary Courts, and have fent likewise unto me many Prohibitions (upon the only Informations of the Parties) commanding me to make void Judgments and Executions already granted, and to fet the Parties and their Sureties at Liberty. My Care to observe his Majesty's Commandment in this Case, to maintain the Authority of your Lordships, no less impeached than mine, to fatisfy the Tinners, whose Overthrow and Confusion this Course carries with it (as by their Petition at large your Lordships may be fully advertised;) lastly, to secure my self and all other Stannary Officers from the Peril to be made Examples of Oppression, for executing only that which many Hundred of Years have construed for Law and Justice, makes me become an humble Suiter to your Lordships, that you will be pleased to take this whole Cause into your Confideration and Protection.

It is not the first time, that the poor Tinners have in this very Point been relieved by that Honourable Table; and my Hope is, my Lords the Judges will not now begin to make new Constructions of Things or Names; but if I only do what hath been done in all Ages before me, I shall by their good Favours be left free from that Interruption, whereof till this Day there is no President. But I refer the whole to your Lordship's high Wisdoms, and humbly take Leave, at my House at Baynard-Castle, this Second of February,

1606.

Tour Lordships bumbly at Command,

PEMBROKE.

Qq

The

The Lords of his Majesty's Privy Council, immediately upon the Receipt of these Letters, informed his Majesty of this Difference; who conceiving how inconvenient it was for the Subject while Courts did strive for Jurisdiction, gave present Commandment, that no Prohibitions should be henceforth awarded into the Standaries, nor that on the other Side there should be no just Cause given; and farther, gave Orders, that the two Lord Chief Justices should be informed by his Majesty's learned Council, and the learned Council of the Prince, of the Points in Question concerning that Jurisdiction, whereof they should report unto his Majesty their Opinions; which done, his Majesty would set down a final Order for the deciding of the Cause in Question: This was signified unto the two Lord Chief Justices, by his Majesty's Letters under the Privy Signet.

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A REPRE-

A REPRESENTATION to the Lord Warden of the Oppressions of the Tinners.

70UR Lordship was scarcely settled in the Office of Lord Warden of the Stannaries, when the Jurisdiction of those Courts began to be called in Question, partly through the Misgovernment of some former Under Officers, but chiefly through the Malice and Covetousness of the Attorneys at the Common Law dwelling in those Countries; who, observing the Inclination of the Judges (now more than in former Ages bent against all private Jurisdictions) thought to make their Gain by overthrowing those Courts, and bringing all Causes accustomed to be determined there, now to be tried at Westminster.

The first Notice that your Lordship received thereof, was by the Petitions of the Parties grieved, some by Prohibitions, some by Actions either of Trespass or of falle Imprisonment; at whose Request it pleased your Lordship to write Letters to the Judges, as followeth.

To my Honoured Friends the Justices of the Court of Common Pleas, and to every of them.

FTER my very hearty Commendations, I receive daily Lord Warden's Complaints from the poor Tin-Workers in Devon and Corn-Letters to the wall, that contrary to their Liberties long enjoyed, they are vexed Common with Process for Tin Causes in other Courts, and not least in that Pleas. Honourable Place where you are Judges. For my part, I have no Ambition to extend the Stannary Jurisdiction to farther Limits than former Ages have prescribed; and, on the other side, I may not permit that Authority to be impeached under me, which other Wardens have lawfully maintained. Wherefore I am to entreat you, that either upon Motion you will be pleased to dismis the said Tin Suits, which, I am told, was the usual Remedy; or, if you defire farther Satisfaction, that then you will at least stay all Proceedings, until both his Majesty's and the Prince's Council may be instructed, whom for that Cause I shall procure to attend your Lordships. But my Hope is, that you will spare both the poor Mens Expences, and my unnecessary Trouble, which I will deferve by due Regard of you, and rest ever

Tour Affectionate Friend to command,

Feb. 12. 1605.

PEMBROKE.

The like Letters were directed from your Lordship to the Justices of the King's Bench, but neither effected any thing; the Suits still multiplied against the Tinners and Officers of the Stannaries, and their Complaints multiplied as fast unto your Lordship of their Wrong, and Overthrow of their Privileges, as appeareth by their Petition. What

What every Steward of the Stannaries Court ought to give in Charge at every Lam-Court to the Fury.

12 Ed. 4. cap. 8.

HIS Court is called a Court Leet, as much as to fay, Dies Leta, where we may rejoice when Vice is suppressed and liff, &c. have Virtue rewarded, that every one may quietly enjoy that which is his own; according to our Blessed Saviour and Master Christ, Quod Cæsaris est date Cæsari; Let every one have his Right. And for this Cause this Court is called the Leet Court. The Reformation of Enormity and Offences must be brought to pass by Matter of of Record.

> First, The Jury are to enquire of all common Bakers amongst them, that make unwholfome Bread for Man's Body, and keep not the Affize of them. Ye shall likewise enquire of all Brewers, Tapsters that Brew, and keep not the Assize, and sell by false and unfealed Measures.

> Secondly, All such Persons who have Measures to meet Tin withal, which have not brought them hither at this Law-Court to be affered; of fuch you shall enquire.

> Thirdly, Also if any Tinner or Tinners have stollen any Tin, and their Receivers, fo that the Lord Warden's Officers may seize the Tin so stollen to the Use of the Prince's Highness, you shall enquire.

> Fourthly, Also if there be any Lanes or Paths stretched, stopped, or turned out of its right Course, to the Annoyance of the King's Leige People, by the Occasion of Pits, Shafts, Hatches, or Tin-Works, and the Maker thereof not repaired or amended, of such Offender or Offenders you shall enquire.

> Fifthly, Also if there be any among you that have kept back Tin unblown, after the Feast of St. Michael the Arch-Angel; where the Tin is, how much it is, and who is the Owner thereof, you shall enquire.

> Sixtbly, Also you shall enquire of all Makers and Blowers of Tin, which have not the accustomed Letter upon the same, viz. to hard Tin H, Synder Tin S, Perillian Tin P, Relistian Tin R; by Deceipt whereof the Merchants have great Loss thereby.

> Seventhly, Also you shall enquire of all Makers and Blowers of White Tin, and are not here this Law-Day to take their Oaths according to their ancient Custom, for the true and just Execution

of their Function in that Behalf; the Names of them which make Default, you shall find out.

Eighthly, Also you shall enquire of all such as do implead any Tinner in any Foreign Courts of the Liberty of the Stannary, for Matters determinable in this Court. Likewise if any Tinner implead another in any Foreign Court for Causes here determinable.

Ninthly, Also if the Worker of any Tin be stopt, or streightened of the Course of Water, to serve for working their Tin; whereas the Custom hath been to setch the Water in any Place, and over any Ground, without Denial of any Person; of the Ossenders herein, you shall enquire and Present.

Tenthly, Also you shall enquire if any Tinner or Spaller, that fetch a Warrant or Supersedeas, of the Peace, against any Tinner or Spaller, except it be only with the Warden or his Deputy.

Eleventhly, Also you shall enquire of those Offenders, viz. Any Person or Persons enter into any Tin-Work with Force and Violence, and take any Tin out of any Tin-Work.

Twelfthly, Also you shall enquire, if any Person or Persons, give or promise any Tin-Work, or part of any Tin-Work, that is in Variance between Party and Party, to any Gentleman, Juror, or any other, to the Intent to bear him in the Title thereof; these you shall Present.

Thirteenthly, Also you shall enquire of the Names of all those Tinners or Spallers, which do refuse to pay any such reasonable Sum, as shall be assessed on them to be paid towards the Prince's Service, the Confirmation of the Charter, or towards any other Cause for the Commonwealth of the Stannaries.

Fourteenthly, Also if any Person or Persons have been turned out of the Possession of any Tin-Work, or any Part of any Tin-Work, which he hath had the Possession of, for the Space of one Year and a Day peaceably, except it be only by the Order of Law, the Offender thereof, you shall enquire of, and Present.

Fifteenthly, Also you shall enquire, if any Mayor, or any other Officer take any Tollage, Toll, Stallage, or Toll, in any Fairs or Markets, of any Tinner or Tinners in any Towns, Ports, Fairs or Markets, of their own proper Goods.

And whereas diverse Tinners, in working of their Stream-Tin, have conveyed and carry'd the Gravel and Rubbish from the old Works into the Rivers, by means whereof the Rivers are stopped up: The Lord Hastings, Lord Warden of the Stannaries, at the Court holden at Tavestock for the Tinners of Cornwall, in the One and Thirtieth Year of Queen Elizabeth's Reign, by Advice of R r

the Stannators of the four Stannaries being there impanell'd, took Order, that the Ordinances and Statutes that they then made, shall be read by the Steward of every of the said four Courts of the Standaries, to the Jurors fworn upon every Law-Day, which if any of the Stewards omit to do, he shall incur the Penalty of Five Pounds, to be levied by Fieri facias to the Use of the Queen's Majesty. Therefore in reading thereof they will exonerate themfelves of the Penalty; which Ordinance, with the feveral Acts therein fet forth, doth follow.

A Copy of the Ordinance of the Court holden at Tavestock for the Stannaries of Cornwall.

T the Court holden for the Standaries of Cornwall in the County of Deven, on the Twenty seventh of August in the Thirteenth Year of the Queen's Majesty's Reign, our Sovereign Elizabeth, by the Grace, Ge. before the Right Honourable Lord Edward Haftings, of the Right Honourable Order of the Garter Knight, Lord Hastings of Longhborough, and High Warden of the said Stannaries of Cornwall, and other the Queen's Majesty's Commillioners there, It is Enacted, Whereas there have been heretofore two fundry Statutes and Acts of Parliament at Westminster, one in the Twenty seventh Year, the other in the Twenty third Year of our King Henry the Eighth: In the which faid Statutes it hath been ordained, that no Person or Persons, from and after the End of the faid Parliament, should labour and work in any or in any manner of Tin-Works called Stream Works, within the County of Cornwall, nigh to any of the fresh Water Rivers there; and sets forth, unless the Digger, Owner, or Washer, did make sufficient Hatches or Ties in the End of their Buddels and Cords, and therein put or lay, or cause to be put or laid, all their said Stays, Gravel or Rubbel digged about the Searching or Washing of the said Tin, there to be wholly and furely kept by the faid Hatches and Ties, out and from Penalty 201. the fresh Water Rivers aforesaid, upon certain Penalties mentioned in the said certain several Statutes. To the end that the Contents of the aforesaid feveral Starutes, and the Mischiess therein declared, may the better hereafter be performed, It is further Enacted over and belides the Penalties and Provisions already ordained, in the laid two feveral Statutes, for any Person or Persons for any Offence done contrary to the Provisions of the faid Statutes, and that Perfon or Persons so offending be thereof duly convicted, either by Verdict of Twelve Men or more, by his or their own Confession, or any other lawful Way or Means, for the first Offence shall forfeit and incur the Penalty of Forty Marks, to be levied by Fieri facias of his Goods and Chattels, or as other Penalties and Forfeitures are accustomed to be levied, the Half to be to our Queen's Majesty, her Heirs and Successors, the other Half to the Party that that fue for the fame by Bill, Plaint, or Information; and if

the Party do oftentimes offend, and be thereof convicted as aforefaid, that then he is to lose all such Interest and Estate as he hath in the faid Works, the one Moiety to the Queen's Majesty, and the other Moiety to him that will fue for the same in any of the faid Stannary-Courts, by Bill, Plaint, or Information, in which no Essoin, or Wager of Law to be allowed for the Defence; and if the Party or Parties so offending committed as aforesaid, be not able to pay the Penalty of Forty Marks aforesaid, that then the faid Party or Parties shall be committed to the Prilon of Lestwithiel, there to have their Imprisonment for one Year, without Bail or Mainprize. And be it also furthermore Enacted. That if the Steward of the faid Stannary-Courts of Cormuell for the Time being, do not at each Law-Day to be holden within their Stannaries, give thole Statutes and Ordinances to the Jury of the same Court, that then the faid Steward shall for his Negligence incur the Penalty of Five Penalty on the Pound at each Time to offending, to be levied by Fieri facias to Steward of 51. the Use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors. And further, all and every other Person and Persons, working in the Hatch-Work, shall make or provide such Strength of Places and Stays, fo that the Force of any of the aforefaid Rivers. at the Flood overflowing any of them, do not carry away any Abundance of Gravel or Rubble, to the Annoying or Hurt of the Havens aforesaid, upon Pain of such Penalties as shall be effected for the faid Offence by the Lord Warden, or his Vice-Warden in that Behalf.

Provided always, that no Person or Persons shall incurr the Danger or Penalty of any of the Statutes made at this present Great Court, before Publication of the Offence of the same at every of the four Stannary-Courts.

Preservation of Havens in Devon and Cornwall.

A Rehearfal of

THEREAS by a Statute made in this present Parliament, for 23 H. 8. made VV and concerning the amending and Maintenance of the for the Prefer-wation of Ports Havens and Ports of Plymouth, Dartmouth, Tinmouth, Falmouth, and and Havens in Fowey, in the Counties of Devon and Cornwall, among other things Cornwall and it was Ordained and Enacted, That no Person or Persons from and after the Feast of St. Michael the Arch-Angel, which was in the Twenty fourth Year of the Reign of the King's Highness that now is, should labour or work, or cause to be laboured or wrought, in any manner of Tin-Works called Stream-Works, within the faid Counties of Devon and Cornwall, nigh to any of the fresh Waters, Rivers, or low Places descending or having Course unto the faid Havens or Ports, or any of them, nor should labour, dig, or wash any Tin in any of the said Tin-Works, called Stream-Works, unless the said Digger, Owner, or Washer, should make, or cause to be made sufficient Hatches and Ties, in the End of their Buddels and Cords, and therein put and lay, or cause to be put and laid, all the said Stones, Gravel and Rubble, digged about the ensearching, finding and washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out and from the said fresh Rivers or Water-Courses, or any of them, so that the faid Stones, Gravel and Rubble, nor any Part thereof, be for lack of fuch Hatches or Ties, conveyed unto the faid Ports and Havens, or any of them, upon Pain to forfeit for every time that any Owner or Digger should dig or wash, or cause to be digged and washed, any Tin contrary to the Form aforesaid, 10 1. the one Half thereof to be to the Use of our Sovereign Lord the King, and the other Half thereof to be to any of the Inhabitants of the said Ports, Towns, or Havens, that would sue for the same in any of the King's Courts by Original Writ, Bill, Plaint, Information, or otherwise, wherein the Defendant should not be admitted to wage his Law, nor any Protection or Essoin should be allowable, as in the faid Act, among other things, more plainly is expressed and declared.

> And because since the making of the said Statute, the Inhabitants of the faid Port-Towns or Havens, having little Regard, Respect, Love, or Affection to the Amending and Maintenance of the same Towns and Havens, nor to their Posterity, as they been naturally bounden and obliged, have permitted and suffered the said Owners and Diggers to persevere and continue in digging, searching, and washing of Tin nigh the said fresh Waters, Rivers, or low Places, not making sufficient Hatches and Ties, as by the said Statute is provided and ordained, without any manner of Suit commenced or purfued by the faid Inhabitants, according to the Tenour of the faid Act, to the great Animation and Encouragement of the Offenders, and to the utter Undoing and Destruction of the said Port-

Towns and Havens: The King's Majesty, minding and intending the Supportation and Maintenance of his faid Towns and Havens, and the Animadversion and Correction of the said Offenders, hath by the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, ordained, enacted and established, that no Person or Persons hereafter shall labour or work, or cause to be laboured or wrought, in any manner of Tin-works, called Stream-work, within the faid Counties of Devon and Cornwall, nigh to any of the faid fresh Waters, Rivers, or low Places, descending or having Course unto the faid Havens or Ports, or any of them, nor shall labour, dig, or wash any Tin in any of the said Tin-Works called Stream-Works, unless the said Digger, Owner, or Washer, shall make, or cause to be made, sufficient Hatches and Ties in the End of their Buddels and Cords, and therein put and lay, or cause to be put and laid, all the said Stones, Gravel or Rubble, digged about the Ensearching, They that work Finding and Washing of the said Tin, there to be wholly and surely for Tin Works said from the said from kept by the said Hatches and Ties, out and from the said fresh Hatches and Rivers and Water-Courses, or any of them, so that the said Sand, Ties in the Stones, Gravel and Rubble, nor any part thereof, be for lack of Ends or Bush fuch Hatches or Ties conveyed into the faid Ports or Havens, or dele. any of them, upon Pain to forfeit for every time that any Owner, Digger, Tinner, or Labourer shall dig or wash, or cause to be digged or washed any Tin contrary to the Form aforesaid, 20 1. the one half thereof to be to the Use of his Highness, and the other half thereof to be to any of his Grace's Subjects that will fue for the same in any of his Grace's Courts, by Original Writ, Bill, Plaint, Information, or otherwise, wherein the Defendant shall not be admitted to wage his Law, nor any Protection or Essoin shall be allowable.

And it is further Enacted by the Authority aforesaid, that if any There shall to Person or Persons shall happen to be sued, accused, indicted, im- no Pensity in fished for proprisoned, amerced, condemned, or otherwise vexed or troubled in fecting achis Person, Lands, Tin-Works, Goods, or Chattels, by any of the cording to this Ministers, or Officers of any of the King's Courts of Stannary, or by any other Person or Persons, for pursuing or attempting any Suit or Action according to this Statute, against such Person or Persons as shall offend contrary to the Form aforesaid; that then all fuch Suits, Accusements, Indicaments, Imprisonments, Actions, Condemnations, Fines, Amerciaments, and every other Act or Acts to be done in any of the faid Courts of Stannary, or elswhere, by any Person or Persons against any Person or Persons, for suing or attempting any Suit or Suits by vertue of this Statute, shall be utterly void and of none effect in the Law. And that the Party fued, indicted, accused, imprisoned, or otherwise grieved or molested, for pursuing against any person or persons offending this Statute, shall have his Action and Remedy grounded upon this Statute by original Writ, Bill, Plaint, Information or otherwise, in any of the King's Courts, against such as shall procure or attempt to vex, trouble, or otherwise molest any such Person or Persons, for suing

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or pursuing the Forfeitures aforesaid, and shall recover treble Damages in that Behalf, and the Party Defendant shall not be admitted to wage his Law, nor any Protection, Essoin, nor Privilege shall be to him allowable.

A Remedy to

And if it shall happen any Person or Persons, for pursuing any relieve him that half be Suit or Action upon this Statute, or by Occasion of the same, hereimprisoned for after to be imprisoned by any manner of Person or Persons, being fuing accord- Officers or Ministers of the Court of Stannary, their Deputies or interactions for the state of the Person within any Substitutes; that then every of the Justices of the Peace within any of the Counties aforesaid, wherein the said Prisoner shall happen to be committed to Prison, upon credible Information thereof, taking Surety by his Discretion for Appearance of such Prisoner at the next General Sessions of Peace, shall have Power and Authority, as well to direct his Warrant to the Goaler or Keeper of the Prison, as to any other Person or Persons, to whom the said Prisoner shall be committed unto, commanding him or them, upon pain of Forseiture of 40 l. to deliver and put at large the said Prisoner or Prisoners, which if he refuses to do, then every such Offender shall lose and forfeit the faid 40 1. the one Half of which Forfeiture to be to the Use of our Sovereign Lord the King, and the other Half to him that is grieved by reason of such Imprisonment, to be recovered in Manner and Form aforesaid; and the Defendant, in any Action or Suit for the same, shall not wage his Law, nor have any Essoin or Protection allowed. And if it shall appear upon the Appearance of fuch Prisoner at the Quarter Sessions, by Examination of the Justices of the Peace there being, that he was imprisoned contrary to the Form of this Statute, that then he shall be forthwith dismissed and thereby discharged; and if he were lawfully imprisoned for any other just Cause, then to be remanded to Prison by the Discretion of the faid Justices.

The Liberties of the Stannaries Saved.

Provided alway, that this A&, or any thing therein contained, be not in any wife prejudicial or hurtful to any of the Officers of the Stannary, nor to any of their lawful Liberties, Privileges, Ufages, Laws, or Customs, saving only in the Cases and Provisions contained and limited within this present Act; which shall alway be put in Execution, according to the Tenour of this Act, any Usage, Custom, Privilege, Ordinance, or Liberty to the contrary thereof notwithstanding.

How certain Havens in Cornwall and Devon may be amended.

Iteously sheweth and complaineth unto the King, our Sove- 27 H. 8. 23. reign Lord, and to the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, the Inhabitants of the Towns and Ports of Plymouth, Dartmouth, and Teingmouth in the County of Devon, Falmouth and Foway in the County of Cornwall; That where the said Ports have been in time past the The great Ease principal and most commodious Havens and Ports within this and Benefit which this Realm, for the Road, Surety and Preservation of Ships resorting Realm and afrom all Places of the World, as well in Peril of Storms, as other-their received by the Havens wise: For where before this time all manner of Ships, being under of Plymouth, the Portage of Eight Hundred Tuns, resorting unto any of the said Dartmouth, Ports or Havens, might at the low Water eafily enter into the same, or. and there lie in Surety, what Wind or Tempest soever did blow; by reason whereof, not only a great Multitude of Ships, as well of this Realm, as of other Regions and Countries, before this time had been preserved and saved; but also in time of War, the said Havens and Ports have been the greatest Fortification and Desence of that Part of this Realm, and the special Preservation of the great Part of the Navy of the same. Which said Ports and Havens, being at The Decay of this present time in a manner utterly decayed and destroyed, by means the Havens of certain Tin-Works, called Stream-Works, used by certain Persons &c. and the within the said County; which Persons, more regarding their own Cause thereof.

Private Lucre, than the Commonwealth and Surety of this Realm,
have by working of the said Stream-Works, digging, searching,
and washing of the same near unto the fresh Rivers, Waters, and
low Places descending and coming out of the Land, towards and into the faid Ports and Havens to the Sea, conveyed by Force of the said fresh Rivers, a marvellous great Quantity of Sand, Gravel, Stone, Rubble, Earth, Slime and Filth, in the said Ports and Havens, and have so filled and choaked the same, that where before this time a Ship of the Portage of Eight Hundred Tuns, as is aforefaid, might have easily entred at a low Water into the same, now a Ship of a Hundred can scantly enter at the half Flood, to the Decay and utter Destruction of the said Havens and Ports, and also to the Ruin and utter Undoing of all the good Towns within the said Counties of Devon and Cornwall, if Remedy be not in that Case speedily provided. For Reformation whereof, be it Enacted by the A Mean to King our Sovereign Lord, the Lords Spiritual and Temporal, and maintain the the Commons in this present Parliament assembled, and by the Au-mouth, Dartthority of the same, that no Person or Persons hereaster shall labour mouth. &c. or work, or cause to be laboured or wrought in any manner of Tin- of Devon and Works, called Stream-Works, within the said Counties of Devon Cornwall. and Cornwall, nigh to any of the faid fresh Waters, Rivers, or low Places descending or having Course unto the said Havens or Ports,

or any of them, nor shall labour, dig, or wash any Tin in any of the faid Tin-Works called Stream-Works, unless the faid Digger, Owner, or Washer, shall make, or cause to be made, sufficient Hatches and Ties in the End of their Buddels and Cords, and therein put and lay, or cause to be put and laid, all the Sand, Stones, Gravel and Rubble digged about the infearching, finding, and washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out and from the said fresh Rivers or Water-Courses, or any of them, so that the said Sand, Stones, Gravel, and Rubble, nor any part thereof, be for lack of fuch Hatches or Ties, conveyed into the faid Ports and Havens, or any of them, upon pain to forfeit for every time that any Owner or Tinner shall dig or wash, or cause to be digged or who find have washed, any Tin contrary to the Form aforesaid, 10 l. the one Half the Forfeiture, thereof to be to the Use of our Sovereign Lord the King, and Meuns be half the other Half thereof to be to any of the Inhabitants of the faid Ports, Towns, or Havens that will fue for the same in any of the King's Courts, by Original Writ, Bill, Plaint, Information, or otherwife, wherein the Defendant shall not be admitted to wage his

And be it farther Enacted by Authority aforesaid, That if any

Law, nor any Protection or Essoin shall be allowable.

Person or Persons shall happen to be sued, accused, indicted, imprisoned, amerced, condemned, or otherwise vexed or troubled in his Person, Lands, Tin-Works, Goods, or Chattels, by any of the Ministers or Officers of any of the King's Courts of Stannary, or by any other Person or Persons, for pursuing or attempting any Suit or Action according to this Statute, against such Person or Persons as shall offend contrary to the Form aforesaid, that then all such Suits, Accusements, Indicaments, Imprisonments, Actions, Condemnations, Fines, Amerciaments, and every other Act or Acts to be done in any of the faid Courts of Stannary, or elsewhere, by any Person or Persons, against any Person or Persons, for suing or attempting any Suits or Actions, by vertue of this Statute, shall be The Remedy if utterly void and of none Effect in the Law; and that the Parties any Person be sued, indicted, accused, imprisoned, or otherwise grieved or motivated in the sued. Stannary for lefted, for pursuing against any Person or Persons offending this profecuting Statute, shall have his Action and Remedy grounded upon this so this Statute, Statute, by Original Writ, Bill, Plaint, Information, or otherwife, in any of the King's Courts, against fuch as shall procure, or attempt to vex, trouble, or otherwise molest any such Person or Persons, for suing or pursuing for the Forseitures aforesaid, and shall recover treble Damages in that Behalf; and the Party Defendant shall not be admitted to wage his Law, nor any Protection, Essoin, nor Privilege shall be to him allowable. And if it shall happen, any Person or Persons, for purlying any Suit or Action upon this Statute, or by Occasion of the same, hereafter to be imprisoned, by any manner of Person or Persons, being Officers or Ministers of the Stannary, their Deputies or Substitutes, that then every of the Justices of the Peace, within any of the Counties aforesaid, wherein the faid Prisoner shall happen to be committed to Prison, upon credible

Ult. 27 H. 8.

credible Information thereof, taking Surety by his Discretion for Appearance of fuch Prisoner, at the next General Sessions of Peace, shall have Power and Authority, as well to direct his Warrant to the Goaler or Keeper of the Prison, as to any other Person or Persons, to whom the said Prisoner shall be committed unto; commanding him or them, upon pain of Forfeiture of 40 l. to deliver the Forfeit of and put at large the faid Prisoner or Prisoners; which if he refuses the Offender, to do, then every such Offender shall lose and forfeit the said 40 l. to resever it. the one Half of which Forfeiture to be to the Use of our Sovereign Lord the King, and the other Half to him that is grieved by reason of fuch Imprisonment, to be recovered in Manner and Form aforefaid; and the Defendant in any Action or Suit for the same, shall not wage his Law, nor have any Essoin or Protection allowed. And if it shall appear, upon the Appearance of such at the Quarter Sessions, by Examination of the Justices of Peace there being, that he was imprisoned contrary to the Form of this Statute, that then he shall be forthwith dismissed, and thereby discharged; and if he were lawfully imprisoned for any other just Cause, then to be remanded to Prison by the Discretion of the said Justices.

Provided alway, that this Act, or any thing therein contained, This Act fall be not in any wife prejudicial or hurtful to any of the Officers of the not be prejudicial to the of-Stannary, nor to any of their lawful Liberties, Privileges, Usages, ficers or Liber-Laws, or Customs, faving only in their Cases, and Provisions con- tierof the Stantained and limited within this present Act, which shall alway be "ary. put in Execution according to the Tenour of this Act, any Ulage, Custom, Privilege, Ordinance, or Liberty to the contrary thereof notwithstanding.

And it is Enacted, That this Act shall begin to take Effect from the Feast of St. Michael the Arch-Angel next coming, and not

An A C T against diverse Inchroachments and Oppressions in the Stannary-Courts.

Ed.I.Cherter.

Explained 50 Ed. 3.

THEREAS King Edward the First, of famous Memory, did for the Amendment of the Stannaries in the County of Deven, grant diverse Franchises and Liberties to the Tinners there; and whereas in the Parliament in the Fiftieth Year of King Edward the Third, upon the Perition of the Commons of the County of Deven, certain Branches and Articles of the said Charter were explained in manner following, viz. Whereas one Article of the said Charter is in these Words following; Sciatis nos ad emendationem Stannariar' nostrarum in Comitat' Devon' ad tranquilitatem & utilitat' Stannatorum nostrorum præd' earundem concessise pro nobis & bæredibus nostris, Quod omnes Stannatores præd operantes in Stannariis illis, qua sunt Dominica nostra, dum operantur in eisdem Stannariis liberi fint & quieti de placitis Nativorum, & de omnibus placitis & querelis Curiar' nostrar' & Hæredum nostrorum qualitercunque tangen', ita quod non respondeant coram aliquibus Justiciar' vel Ministris nostris, seu Hæredum nostrorum, de aliquo placito seu querela infra præd' Stannar' emergen', nist coram Custodi nostro Stannar' nostrar' præd' qui pro tempore fuit (except' placitis Terræ, Vitæ & Membrorum) nec recedant ab operationibus suis per Summonitionem alicujus Ministrorum nostrorum, seu Hæredum nostrorum, nist per Summonitionem communem dicti Custodis nostri; & quod quieti sint de omnibus Tallag' Theolon' Seallag' Auxiliis & al Customis quibuscunque in Villis, Portibus, Foris, & Mercatis infra Com' prad' de bonis suis propriis &c. Whereupon the faid Commons pray'd a Declaration, as followeth; Requeste sur quoi plese declarer, si autres persons que les esteymos onerant' in les estemeryes averont & enjoyeront la Franchise grante per la dite Chartre du Roi desicome la dite Chartre voet, Quod omnes Stannator' præd' operantes in Stannariis illis fint liberi &c. Et autres persons que les Onerours, sest affavoir leur Maistres que les lovent, & leurs Servants, & autres claymont mesme la Franchise. Et auxint plese declarer, si les dites Onerours y averont les Franchises que in auter temps a quant ils averont in mesme l'estemery desicome la Chartre voet, Dum operantur in eisdem Stannar' fint liberi &c. Upon which Request, Answer was made as followeth; Respons en droit de les dites paroles, Operantes in Stannar' illis, & dum operantur in eisdem Stannar' soient clerement etend' de operariis laborantibus duntaxat in Stannar' illis fine fraude & dolo, & non de aliis, nec alibi laborantibus. And whereas the Commons pray'd a further Declaration as followeth; Requeste, Item soit declarez, si le Gardien de Lestimore puisse tenir plee inter Esteymo, & forreyn de querele sourdante aillours, que in les lieux on il sont, onerant' desicome la Chartre voet, Quod Custos noster præd' vel ejus locum tenens, teneat omnia placita inter Stannatores præd' emergen' & etiam inter ipsos & al' forinsecos de omnibus transgressionibus, querelis & contractibus factis in locis in quibus operantur

infra Stannar' præd' similiter emergen' &c. Quere, Il tient Plee des cieux Quereles sourdantz in chescune parte deius le dit Counte. which Answer was made in these Words, viz. Resp. Et en droit de ceste Article, se ont extende la Inrisdiction Cleremente solon a les Paroles del dit Chartre, c'est assavoir, In locis ubi iidem operarii operantur, & nem y ailours, ne en autre manere. Which Charter so declared, was repeated again, and in the Eighth Year of the Reign of King Richard the Second, commanded to be put in Execution.

And whereas the faid King Edward the First, made the like Charter to the Tinners in the County of Cornwall, which Charter was in the aforesaid Parliament, upon the Request of the Commons of the County of Cornwall, declared in the same Manner and

Words.

And whereas the Tinners of the Counties of Devon and Cornwall, The like Charhave by Vertue of the faid Charters, enjoyed diverse and great Li-ter to the Tinberties, and are quit from all Tolls, Tallages, Aids, and other Customs, wall. in the Villages, Ports, Fairs and Markets within the faid Count- Declaration. ties respectively; which great Liberties do of right belong to the Working Tinners, working without Fraud or Deceit in the Stannaries aforesaid, and not to any other, or elsewhere working, and were granted to the faid Tinners for their Incouragement in their Works.

And whereas of late Years fundry Inhabitants within the faid abufe of Liber-Counties, and others, to intitle themselves to the said Liberties, tier. have by Fraud and Covin, for small or no Considerations, bought and acquired, and do buy and acquire to themselves, decay'd Tin-Works, and small and inconsiderable Parts in the same and other Tin-Works; which Abuses are done principally to enable the said salse and seigned Tinners to vex and fue their Neighbours in the Stannary-Courts, where for the most part the Defendant is unjustly debarred his Costs, altho' the Cause be adjudged with him; and the Jurisdiction of the faid Stannaries hath, contrary to ancient Right and Ufage, and the faid Charters, been endeavoured to be extended (out of the Places where the Tinners do work) through the whole Counties of Devon and Cornwall respectively, which is no way for the Benefit of his Majesty, but for the singular Lucre of some private Persons. And whereas by the faid Abuses great Inconveniencies do follow; that is to say, the Inhabitants of the said Counties are miserably vexed, oppressed and imprisoned, his Majesty defrauded of his Aids and Customs, and the Lords and Owners of Fairs, Markets, and other Franchises, of their Tolls and Duties, and the Government of the Country exceedingly confounded and eluded, the faid false and feigned Tinners claiming when they lift, to be Tinners, and when they lift, to be foreigners. Besides, that if timely Provision be not made, the certain Decay of his Majesty's Profit in the Tin-Works will ensue; for that the same being divided into so many Hands and Parts, cannot conveniently be fet on work, nor Contributions raifed for the working the same.

The former De-

Be it therefore Enacted by his Majesty, and the Lords Spiritual clarations con- and Temporal, and the Commons in this present Parliament assembled, That the faid Declarations be henceforth held and duly observed, with this, that the Words of the faid Charters and Declara-In locis ubi tions, in locis ubi operantur, be expounded of the Village, Tything,

operantur, and Hamlet where some Tin-Work in Work is situate, and not elsewhere, and no longer than the same Tin-Work is or shall be in None but Tin- Working. And if any Person or Persons that shall be sued in the ners to be fued, faid Stannaries, shall swear, or tender his or their Oath in the said ing Tinners. Court where he or they shall be sued, that he or they are not, nor is, nor at the Time of the Suit commenced, was not, nor were a Tinner or Tinners; then such Desendant or Desendants shall be forthwith discharged of such Suit, unless that the Plaintiff or Plaintiffs do forthwith make Oath, that the faid Plaintiff or Plaintiffs is, or are, True and Working Tinners, without Fraud or Deceit, and that the Cause of his or their Suit arose within the said Stannaries, or concerneth Tin or Tin-Works. And if any Person, being not Re vera, and without Fraud, a Working and Labouring Tinner, in or about some Tin-Work, set on work within one Half Year next before his Suit, shall sue, prosecute, or implead in any the said Courts, or before the Warden, Vice-Warden, or Steward of the faid Stannaries, any Person or Persons, that is or are not a Tinner or Tinners, at the Time of fuch Suit commenced; then the Defen-Persons sued by dant and Defendants in every such Case shall have his and their others shall Asian at the Common I am again the Box on the Box of the Box have their A- Action at the Common Law, against such Persons suing or prose-

Such Action to be brought in two Years.

Cofts in Stan-

cuting, wherein he shall recover Ten Pounds, and his Damages and Costs of Suit; provided, that such Action be brought within Two Years next after the Action or Suit brought in the faid Stannary-Courts, or before the said Warden, Vice-Warden, or Steward.

And be it Declared and Enacted, that in all Cases where the Plainnary-Courts. tiff or Plaintiffs, Defendant or Defendants, are to have Costs by the Laws or Statutes of this Realm, there also the said Plaintiffs and Defendants shall have the like Costs in the Stannary-Courts. And in regard the faid Charters were granted for the Ease and Advantage of the Tinners, and not for their Disadvantage or Oppression; and yet diverse of them, who for special Reasons have desired to fue at the Common Law have been restrained:

Be it Declared and Enacted, that it shall be lawful to and for the fue Foreigners said Tinners, if they think fit, to sue any Foreigners at the Comat the Common mon Law; the faid Charter, or any Usage to the contrary notwithstanding.

Abuser by poor And whereas the Daylins of the fall or no Credit, and yet upon Bayliffs in the numerous, and are Persons of small or no Credit, and yet upon And whereas the Bayliffs of the faid Stannary-Courts are very their Return, that any Person is become Surety for any other upon Arrest by Process out of the said Courts; such Person, who sometimes knows nothing of the Matter, is by false Returns of the said Bayliss made liable to the Debt or Demand, which Bayliss, by reason of their Poverty, are often not responsible, and so the Party without Remedy:

Be it enacted, That no Person or Persons be charged or trou- How Surelies bled as Surety by any Return of any Bailiff or Bailiffs of the may be fued. faid Stannaries, unless that the Person or Persons returned Surety or Sureties, shall, in the Presence of two Witnesses, fubscribe or fign a Note in writing, that such Person or Persons is, or are, become Surety or Sureties; which Note shall mention the Names of the Plaintiffs and Defendants in the Suit, and the Sum or Damages in Demand, and the Nature of the Action, and shall be figned and subscribed by the said Witnesses, and returned and filed in the Court out of which fuch Process shall issue, and no Bailiss of the said Stannaries, shall be admitted as Witnesses to any such Note.

And whereas in the faid Stannaries it is used, that if the Bailiffs return any Person arrested, that if such Person make Default at the Day, he shall be condemned, and Execution is fuddainly awarded, when as often the Party was not arrested.

Be it further enacted, That no Defendant shall be condemned No Defendant upon such Return for not appearing, unless also a Note under demned on a the Hand or Sign of the Party arrested, and subscribed by two Bailist's Re-fuch Witnesses as aforesaid, be returned into the said Court, at a Note subscribed in the said Court in the said Cou or before the Day of Appearance; and the faid Bailiff or Bai-bed by the Parliffs shall take but four Pence for every such Note as aforesaid: 19. And it is provided, that none shall be bailed upon Arrest there till he give fuch Note.

And in Case any the said Bailiff or Bailiffs shall return a Resions against any Person or Persons, he, or they, shall be admitted to traverse the said Return; which Traverse, if it be found with him, or them, so traversing, then he, or they, shall be no further troubled, or occasioned, by reason of such Return.

A Declaration framed against a Tinner for working in the Stannar' de Prince's several Lands, in the 31st Year of Henry VIII. Kerrier. and the Pleadings thereon.

Icardus Davy nuper de Camborne in Com' Cornub' Husband- Declaration R man, attachiatus est ad respondend' Jo. Jenkyn de pl'ito, for working in quia vi & armis Clausum ipsius Joh'is apud Chevender fregit & feveral Lands. in seperali solo ib'm predict' & terram suam ib'm subvertit & prodierit per quod idem Joh'es proficuum foli fui pred' per magnum tempus amisit & sepes suas ibidem nuper erectas prostantur & alia &c. Dampn' &c. & contra &c. & unde idem Joh'es per Thom' P. Attornat' suum querit' quod cum pred' Ric'us Davy vicesimo die Octob' Anno Regni Dom' Regis nunc 31mo vi & Armis & Clausum ipsius Joh's apud Chivender pred' fregit & in seperal' solo suo (viz.) decem acris terre ib'm fodit & terram (viz.) xvj Acris Terre fuæ ib'm fubvertit & projecit per

quod idem Joh'es proficuum foli sui pred' per magnum tempus (viz.) per spatium unius Anni & dimid' amint & sepes suas (viz.) vigint pertias sep'm suor ib'm cresta prostrat' & alia &c. Dampn' x l. & contra &c. & inde producit sectam &c.

Et pred' Ric'us per Th. P. Attornatum fuum venit & defend' vim & injuriam quando &c. & quoad venire vi & Armis dicit quod ipfe in hullo est inde Culpabilis & de hoc ponit se super patriam & pred' Joh'es smiliter & quoad resid'm transgressionis pred' supposit superius sieri idem Ric'us dicit quod pred' Joh'es actionem fuam pred' ufus eum habere non debet quia dicit quod claus'm pred' necnon Loci in quibus supponit' tranfgr' pred' quer' fieri sunt & pred' tempore quo &c. fuer' sex acre Terre cum pertinent' in Chivender pred' parcell' Manerii De Tre-warnhayle De quo quidem Manerio illustrissimus Edwardus nunc princeps Wallie & pred' tempore transgr' pred' suit sei tus in Dominico suo & de seodo quodo; habetur & a tempore cujus contrarii memoria hominum non existit habitat' tales consuetudines infra Manerium pred' quod haberet omnibus personis legis Domini Regis existent' cujuscumq; gradus seu Condic'ones fuerit ad prickand' buildand' & faciend' tot & tanta opera Stannat' in quolibet loco infra Manerium pred' in quo stann' invenire potuisset in quolibet loco fancto sive factato Molendo pistinio & gardino quibuscumq; infra Manerlum pred' cum pertinent' existentibus tantum except' Reddend' & a toto tempore pred' folvend' inde Dm'no Manerii pro tempore existent' quint' decim' partem Stanni inde perveniend' pro tolveto fuo & ulterius ad faciend' & limitand cum bundis metis & limitibus ex utraque parte a Capite usque ad pedem ejusdem ad eorum placitum tantum & per vim terre illius de & pro quolibet opere Stannar' quant' vellet necnon ad habendas vias & semitas ad veniend' redend' cariand' & recariand' ad & ex quolibet hujusmodi opere Stannar' in & fuper terras cujuscumque infra maner' pred' prout eis melius videbit' & majus opportune expediri & ad conducend' reducend' & divertend' aquas & Cursus aquar' ubi & quoties opus fuerit ad hu'moi opera Stannar' de & super terr' cujuscumq; infra Maner' pred' prout eis etiam melius videbit' & ulterius idem Ricardus Davy dicit quod per totum tempus pred' usu fuit quod licebit alicui perfone aliquod tale opus fine aliqua talia opera Stannar' în forma pred' sic per eum vel per eos pickat' fact' limitat' & bundat' infra manerium pred' eodem opere Stannar' five in eodem opere Stannar' libere ad intrand' & in codem pro Stann' inveniend' fodere Stannum in eodem invent' (xvta parte ejusdem Stanni dicto Domino Manerii pro tolueto suo exceptionem) capiend' & afpedand' abig contradictione perturbatione seu vexatione alicujus nisi ipse in aliquo Domo vel via pro Stannar' inveniend' operare seu sodere volnisset per quod Domus ille preservaret' sive via illa nocivasset quod tunc Domum & viam ill' & eorum alter' ades fufficien' & bona de novo construeret prout domus & via illa det' five cent' tant' princip'

Pl'ito.

princip' Sessionis illius & ulterius idem Ric'us Davy dicit pro eo quod pred' sex Acre sunt de pred' tempore quo &c. suer' parcell' Manerii pred' Stannar' idem Ric'us eodem tempore quo &c. Clau' pred' in pred' sex Acris Terre fregit & picheas & puteos operis Stannar' cum bundis metis & limitibus ex utraq; parte a Capite ad ped' ejustem in forma pred' inde secit pro Stanno in eodem inveniend' in solo inde sodit & Terram ill' subvertit & projecit prout ei perevelcuit que quidem fractio & sossi terre subversio & projectio terre pred' in pred' sex Acris Terre ex causa predictum est eadem transgressio unde pred' Joh'nes Jenkins se modo querit' & hoc paratus est verisicare unde petit judicium si pred' Joh'nes actionem suam pred' usus eum habere debeat' &c.

The Form of a Distringas.

Walterus Raleigh Miles Guardianus Custos & Capitalis Senefcall' Dm'ne nostre Ducat' sui Cornub' Ballis' Stannar' de Blackmore necnon P. W. S. W. & eorum cujuslibet salutem vobis
& cuilibet vestrum præcipio quod distringat' seu unius vestrum
distingat' J. C. per omnes terras Bon' & Catall' suas prop' ad
valentiam vj s. ad usum dic' Dm'ne nostre si pred' J. C. non
person' comparuit prox' Cur' Stannar' pred' prox' Tenen' post
datum present' ad respond' G. A. in placito debit prout per
Cur' Stannar' plenius liquet & apparet & habeas seu unius
vestrum habeat ad tunc & ib'm (viz.) ad prox' cur' pred' hoc
Mandat' cum ejus ratione & hoc nullatenus omitt' nec aliquis
vestrum omitt' sub pena incumben' dat' sub sigill' Officii ducat'
pred' die & Anno &c.

A Form of a Warrant after a Nichil.

Walterus Raleigh Miles Guardianus Custos & Capitalis Senefcall' Dm'ne nostre Reg' Ducat' sui Cornub' Ballis Stannar' de
Blackmore Fowey Moore Penwith & Kirrier & Tywarnhayle
necnon F. R. & eorum cuilibet salutem si J. S. secerit vos aut
unum vestrum secur' de clamore suo prosequend' usus N. L. in
placito trans' super Cas' unde nihil habet &c. quare ex parte dic'
Dm'ne nostre vobis & cuilibet vestrum præcipio quod venire faciat'
presat' Des' coram me Deputat' in hac parte assen' ad inveniend'
sufficien' secur' ad respondend' ad prox' Cur' Stannar' insta
B. pred' prox' Tenend' post datu' present' ad respondend' prefat' Quer' in placito suo pred' si hoc facere recusaverit tunc ist'
cap' seu unus vestrum capiat & ist' ad Goal'dic' Dm'ne nostre de
Lostwithiell duc' fac' ib'm Moratur quousq; hoc grate sacere
voluerit mitto etiam tibi Custod' Goal' pred' Corpus dict' Des'
in Goal' tuam suscipiend' salv' & secur' ib'm Custodiend' quousq; pro ill' deliberatione sussicien' habueris in Mandat' &
hoc

hoc nullatenus omitt' sub pena incumbent' dat' sub sigill' officii Ducat' pred' die & Anno &c.

This was the ancient Form of proceeding after a Nichil returned, vide Nichil & Distringas, Fol... They now proceed directly to attach the Body, which I apprehend erroneous; every inferior Court ought first to issue a Summons, otherwise 'tis Error, and must appeal in Error to the Steward, Vice-Warden, Lord Warden, &c. Vide Title Courts, Fol... Trewinard's Case, vide Styles Regr. Fo. 197. Case of the Cinque-Ports in Error.

2 Cro. 261.

In false Imprisonment, the Defendant justified by a Capias out of an inferiour Court directed to him against the Plaintiff, to which the Plaintiff demurred, because it was not shewn that a Summons was issued first; and inferiour Courts can award no Capias but on Summons first returned, I Vent.

1 Vent. fol. 220, 249.

My Lord Chief Justice Hale said, It was a great Abuse in these Courts, their ordinary Practice being to grant a Capias without any Summons; so that the Party is driven to Bail in every trivial Action; and though upon a Writ of Error this Matter is not assignable, because a Fault in the Process is aided by Appearance, &c. yet salfe Imprisonment lies upon it, and the Officer cannot justify here, as upon Process out of the Courts of Westminster.

This Process intended to be aided by Appearance is meant

after Verdict, Vide 2 Cro. 108, 261.

By the Stat. 32 Hen. 8. and 18 Eliz. Cap. 14. the Misprisions above-mentioned remain not remedied where no Verdict is given on Issue joined, as if Judgment be given, on Confession in

Demurrer — Nibil dicit non sum informatus.

In Error of a Judgment in Norwich, the Error assigned was, because in an Action of Debt, the Record was attachiatus est, where it ought to have been summonitus est; for that it ought to be as an Original, and for want thereof, it is Error, 18 Eliz. 2 Cro. fo. 108.

Stannar' de Penwith & Kirrier. Cur' pred' Tent' xmo Sexto Die Septemb. 1724.

This Court gives Notice of one Pair of Bounds void of all lawful Bounds, called by the Name of Wheale Trema Trout Bounds, lying and being in the Parish of Gwendron, within the said Stannary, cut and pitcht this Sixteenth Day of September, by Reynald Bodilly, to the Use of E. B. the North Corner whereof, joins with the Corner of a Pair of Tin Bounds belonging to Sampson Hill, Esq; called Trenetbick Bounds; the East Corner whereof, joins with George Edwards Fields, Parcel of the Dutchy Lands, of the Mannor of Helstone in Kirrier, belonging to Richard Cock, Gent. the South Corner thereof joins with a Field now in the Possession of John Pearce, Parcel

The Form of a Proclamation of Tin Bounds. of the faid Dutchy Lands, and belonging to the faid R. Cock; and the West Corner thereof joins with the Lane leading from Whe ale Trema Tront to the Burrough of Helftone, together with one Pair of fide Bounds adjoining to the faid Tin Bounds, likewife now cut and pitcht by the faid Reynald Bodilly to the Use of E. B. as by the said Bounds, and Limits of the said several Bounds may appear. There must be three Proclamations entred

17 Septemb. 1724. prima proclam 8 Octob. 1724. secunda proclam 29 Octob. 1724. tertia proclam'

Et super inde Judic' & Breve de possessione.

The Form of a Note to be given by Persons arrested in the Stannary Courts.

I John Penprase do hereby acknowledge, that I am arrested Must be signed by Vertue of a Stannary Warrant issued out of the Stannary arrested in precourt of Penwith and Kirrier, at the Suit of W. James, in a sence of 2 Wit-Plea of Trespass on the Case, or as the Nature of the Case is, Bailiff to take to the Damage of 10 l. In Witness whereof I have hereunto 4 d. for such put my Hand this first Day of Novemb. Anno Dom. 1724. put my Hand this first Day of Novemb. Anno Dom. 1724.

Witness hereto

The Form of a Note given by the Bail, to all Actions in the Stannary Courts.

I John Williams do hereby acknowledge, that I am become Bail for the above John Pengrase at the Suit of W. James, in the Action abovesaid, to the Damage abovesaid: As Witness my Hand this first Day of Novemb. Anno Dom. 1724.

Witness hereto,

Scire Fac' by an Executor.

Precept' est per Cur' Stannar' pred' Ball'is Stannar' necnon Stannar' de Thom' Everet & eorum cuilibit quod scire fa- Penwith & ciatis seu, &c. Ric' Reed, quod sit ad prox' cur Stannar' præd' prox' tenend' ad oftend' si quid pro se habeat vel dicere sciat' quare Joh's Oliver gen' Executor' test' & ult' voluntat' Joh's Oliver gen' nuper defund' Executionem suam pro duab' libris & quindecim solid' de deb'o & duab' libris sexdecim solid' &

miosbnu

undesim denar'de dampn' usus eum habere non debeat juxta vim formam & effis'm Recuperationis inde in codum cur' Stannar' per recuperat' fi sibi viderit expedit' & ulterius seçur' & receptur' quod cur' Stannar' pred' in ea parl' Cons' & habeatis, feu &c. ibi tune hoe precept' cum ejus Retorn' dat' sub sigillo officii mei decimo tertio die Januar' Anno Regni Dom' nostri Will' tertii nunc Regis Angl' &c. duodec' Annoq; Dom' 1700,

17 S. M. . Fron mind produgi

8 Celob. 1724. fecunda proclum" Tertio die Feb. Anno Dom' 1700.

Virtute istius precepti mihi & al' direct' scir' fec' infra no'iat' Ric' Reed quod esset ad hanc cur' ostend' si quid pro se habeat

Return thereon.

Ric' Reed quod esset ad hanc cur' ostend' si quid pro se habeat

aut dicere sciat' quare insta no iat' Joh's Oliver Executor Executionem suam usus eum pro debo' & dampn' instra script' habere non debeat prout justius mihi precipitur.

by Alexandra de bereing schooledge, that I am a reflect by Alexandra Germany Warrant iffued out of the Stannary Court of Penesth and America at the Suit of W. Yames, in a

The Form of a Writ of Fieri Facias.

Gwalterus Rafeigh Miles &c. Ex parte dic' Dm'ne nostre vobis & cuilibit' vestrum mando firmiter Injungen' quod fieri faciat' seu unus vestrum sieri fac' de Bon' & Cattal' propriis J. N. ad xxx s. pro dampn' & x s. & vjd. pro Mic' & expenc' ita quod Denar' eos parat' habeat' in prox cur' Stannar pred' pro &c. tenend' post dat' present' ad satisfact' R. H. de quodam Recupat' sua usus pred' J. N. in eadem cur' habita in quodam placit' trans' fuper Cas' si possit' alit' quod Cap' presat' desend' per Corpus suum & eum — Cap' suer' ad Goal' dic' Domine nostre de Lostwithiell duc' fac' ib'm custodiend' pro satisfactioner ecuparationis pred' & si denar' eos de Bon' pred' Def' sier' fac' non potent' & corpus ejus suum non suer' invent' tunc denar' eos fier' fac' de Bon' & Cattal' Jo' Doe & Ric' Roe qui pro dic' Def' in loqu' pred' manuc' vel Corpus dici pleg' Cap' & ad Goal' dic' Dm'ne nostre pred' duc' fac' ad recuparatione pred' satisfac' prout superius dic' est mitte etiam tibi custod' pred' Goal' quod cum corpus pred' Def' vel ejus pleg' fuer' cap' & ad te ducto quod tune ill' in Goal' tuam rec' & sal' custod' quousq; pro ill' deliberatione suffic' habueris Warr' in Mandat' & hoc mullatenus omitt' sub pena incumbent' dat' sub sigillo offic' ducat' pred' &c. eidol de mulev plu de la come de

A Declaration for Trespass against one entering upon the peaceable Possession of another.

Joh's B. attachiatus est ad Respond' T. R. in placit' trans' & unde idem quer' in propria person' sua apparet' querit' & dic' quod talis consuetud' est infra Stannar' de B. usitat' & probat' a tempore cujus memoria homin' non existit quod nullus sac' ingr' in aliquo opere Stannar' super possessionem Stannator' Dm'ne nostre uni pred' Stannator' pacisic' & legitime possessionat' se'ti suer' de suis d'is operibus per spatium unius Anni & unius diei & si aliis super possessionem alior' Stannator' dic' Dm'ne Regne nostre ingrat' suerit contra Consuetudin' pred' per senescal' dic' Dm'ne Regne removat' donec jus & titul' suum int' partes secund' consuetud' & legem Stannat' pred' discussa fuer' pred' tamen J. B. tale die & Ann' vi & Armis (viz.) vangis tribulis & ligoribus (of which I know not the English) in un' opus Stannar' humar' ipsius quer' voc' a Dale of Tin apud G. infra Jurisdictionem &c. super possessionem dic' quer' contra Consuetud' Stannar' pred' nigrus suerit & dic' Quer' in pacifica possession su promissa ad tunc & ib'm dissessiuit & expulsit & ipsius sie dissession sur nusae' extratenuit & adhue extratenet & alia enormia ei intulit tam in Contempt' dic' Dm'ne nostre quam ad Grave Dampn' ipsius quer' & con. tra pac' die Dm'ne Regne unde dic' quod deteriorat' est & dampn' habet ad valentiam x s. & inde produc' sectam &c.

One Timper impleadeth another for entering violently upon his Work.

J. B. quer' ulus T. S. in pl'it trans' &c. unde idem quer' per T. P. Attornat suam quer. quod dictus Def xmo Die Mair Ann' R. Regis Henric' VIII. 34 vi & Armis (viz.) in un' opus Stannar' human' voc' a Dole of Tin juxt' voc' de 28. Doles in P. infra &c. intravit & ib'm pro nigro Stann' operat' est & nigrum' Stann' ad tunc & ib'm invent' & operat' (viz.) xvj pedes nigri Stann' ad valent' cuilibet pedis xvjs. Cepit & asportavit transgr' pred' quoad operationes nigri Stann' pred' a pred' xmo die Main dic' Dm'ni Regis 34. nunc use; in die impetr' hujus quer' (viz.) tertio die Augusti Ann' pred' divers' dieb' & vicib' continuand' & alia &c. ad grave Dampn' ipsius quer' unde dic' quod deter' est & Dampn' habet ad valentiam xv l. & inde produc' sectam &c.

A Tinner impleadeth for working in Several Lands.

J. B. querit' usus T. S. in pl'it' trans' & unde idem quer' per T. P. Attornat' suum quer' quod cum dic' Des' xmo die Maii Ann' R. Regis Henric' VIII. 34. vi & Armis (viz.) in super al' terr' infra clausur' dic' quer' existent' apud L. in uno Claus' ib'm vocat' M infra S intravit & ib'm opus Stannar' fecit bundavit & limitavit & infra separ' Terr' suam ib'm absq; licen' dic' quer' pro nigro Stann' sodebat & operat' suit transgr' predict' quer' ad opar' in separ' Terra sua pred' a pred' xmo die Mens' usq; &c.

The Form of a Bill of Indictment for impleading Tinners in in a foreign Court.

Inquiratur pro Dm'na R, si ubi per divers' Chart' fac' & concess' per divers' Reges Angl' & progenitor' dicte Dm'ne R'ne nunc &c. & per eandem Dm'nam R. Ratificat' & Confirmat' Stannator' fuis ducatus fui Cornub' in Com' Cornub' operant' in Stannar' illis que funt Dominica R. aut alior' ducat' pred' dum operant' in eisdem Stannar' suit liberi & quieti de pl'itis Nativor' & de omnibus pl'itis & querel' Curiar' Dm'ne R. & herend' suor' qualiter cumq; tangentibus ita quod non respondeant coram aliquibus justic' vel Ministris dicte Dm'ne R. de aliquo placito sive querel' infra pred' Stannar' emergent' nisi coram Custod' Stannar' Dm'ne R'ne Ducat' sui pred' except' pl'ita Terre vitæ Membror' attamen S. G. nuper de T. in Com' pred' gen' Cartam pred' minime ponderans ac Machinans Stannator' Dm'ne R'ne Duc' fui pred' contra Tenor' Cart' pred' inde eis Concess' Minus ute pregravan' apud Bodmyn in Com' pred' xmo die Maii Anno &c. Coram Jo. C. & aliis Justicior' Domine R'ne Custod' pace sine Comit' pred' conservand' assign' prosequant' fuer' divers' Billas placita & querel' usus R. R. T. S. & alios fide dignos & operatores Stannar' Com' pred' de & pro divers' rebus & Materiis coram Custod' Stannar' & non alibi determinand' & contempt' dicte Dm'ne R'ne ac ad Grave Dampn' operator' Stanni Com' pred' nec non in malo & pernic' Exempl' alior' in hujufmodi Cafu de linquent' nisi fuper hoc Celerius remedium adhibeat' oport' &c. & contra &c.

One Tinner impleadeth the other for Farm of a Tin-Work.

T. J. Summonitus est ad Redend' J. C. in placito quod reddat Stannar' de ei iij s. & iij d. quas ei debet & injuste detinet ut dic' & unde Kirrier. ei iij s. & iij d. quas ei debet & injuste detinet ut dic' & unde idem Quer' propria persona sua dic' quod cum ipse octavo die Octobris Anno Regni &c. apud T. infra &c. tradidisset & demissiset eidem T. J. unum opus Stannar' human' vocat' a Dole of a Tin-Work in C. habeand' operand' & occupand' eidem T. P. ac pred' die Octobris Ann' supradic' usq; ad fest' sive Mich' Arch' extunc prox' sequend' reddend' & solvend' inde eidem J. C. & assign' suis iij s. iij d. pro sirma operis Stannar' human' pred' ad pred' festum sive Mich' Arch' extunc prox sequen' habuisset operasset & occupasset ac pred' iij s. iij d. de reddit' & sirma' pred' pro eodem tempore eidem J. C. a Retro existunt non sol' per quod acc'onem accrevit eidem J. C. ad exigend' & herend' de presat' T. P. de eodem iij s. iij d. inde tamen T. P. licet sede prefat' T. P. de eodem iijs. iij d. inde tamen T. P. licet sepius requisit' fuisset pred' iijs. & iij d. eidem J. C. nondum reddidit sed ill' ei hujusq; reddere contradixit & ad huc contradicit unde dic' quod deteriorat' est & Dampn' habet ad valentiam ij s. & inde produc' fectam &c.

The Answer of a Foreigner in the Stannary Court.

Et pred' D. in propria persona sua venit & dic' quod Curia ista non habet Jurisdic' tenend' pl'it' de materia in Narrat' pred' specificat' quia dic' quod ipse non est nec unquam suit Stannat' nec in operat' Stanni in Terra Ducat' Dm'ne R'ne aut alicujus alterius person' nec materia in dic' Narrat' Content' non est de aliquo opere Stannar' nec de Stanno tangen' fine pertinent' unde petit judicium si Cur' ista Jurisdic' habet inde tenen' placit' &c.

The Form of a Declaration against Tinners, streaming the Tayles of their Works into the fresh Rivers, contrary to the Statute and Ordinances.

Robertus T. & M. N. fummonit' fuer' ad Respond' W. B. Stannar' de qui tam pro Dm'na R'na quam pro seip' sequitur de pl'ito quod Penwith & Kirrier. reddat' ei vigint' lib' legalis' monetæ Angliæ quas eidem Dm'ne R'ne & prefat' W. B. debent' & injuste eis detinent' ration' attempt' contra formam Stat' in Parliamento Dm'ni Regni Henric' viijo nuper Regis Angliæ &c. pred' metuendissime Dm'ne R'ne nunc Eliz. Dei Gratia &c. apud Westmin' Anno Regni sui xxvijmo erga eos qui operant vel laborant aut operar' laborari faciantur in aliquibus Stannariis operibus, vocat' Stream Works,

Works, infra Comit' Devon' & Cornub' proprestentes aquas sine fubmission' aut plana loca haben' Cursus ac portus de Plymouth, Tynmouth, Falmouth, & Fowey dic' & provis' &c. & unde idem W: B. quitam pro Dm'na R'na quam pro seip' sequitur in propria persona sua dic' quod cum-in Stat' Parliamento dicti Dom' Regis Hen' octavi apud Westmin' die Anno Regni fui xxviijo supradic' authoritat' ejust' Parliament' inter ceter Enactibus fic quod nulla persona direct' operabit aut laborabit in aliquo opere Stannar vocat' Stream Works infra Comit' Devon' & Cornub' propre aliquas rescentes aquas sive aqua submisfiora loca aut plana loca he'ntia Curfum ad portus de Plymouth. Tynmouth, Dartmouth, Falmouth, & Fowey, fine aliquis corum portus nec laboravit pred' & lavavit aliquid Stannum in aliquibus operibus Stannar' vocat' Stream Works nisi ipsi faciant suffic' put'eos & stag' fine eorum Buddleor' & Cordor' Anglice vacat' Cord' & ib'm projic' omnes lapides & Sabul' fodit pro struct' Stanni pred' ib'm falvo & secur' Custodiend' a pred' recentibus rivolis & aquis item quod null' pred' cor' lapidum & Sabular' foditor' circa ffruct' Stanni pred' obdefitiam hu'moi puteor' & flag' per aquam pluniat' inundat'ne transact'ne ad aliqum pred' cor' port' fub pena forisfactur' tot' quot' & quilib' tempore vigint' lib' unde una medietas inde effet in dicto Dm'no Reg' alter vero medietas illi pro eodem profequi voluer' per per breve original' Bill' vel querel' debito aut per Informat' in aliqua Cur' dict' Dm'ni Regis in quibus actionem & secta null' legis vadian' admitteret' pro def' nec aliquod esson' sive protectio allocabit' prout in Statuto pred' plenius continent' pred' ta-men R. T. M. N. statu pred' parvi peudeat' & pena in eodem statuto nihil verentes aut formudan' xxo die April Anno Regni dict' Dm'ne R'ne nunc Eliz. Dei Gratia &c. xvjo post Confection' actus pred' apud Lawhorne Moore infra Jurisdict' hujus Cur' in quod' opere Stannar' vocat' Lawhorne Moore in dicto Com' Cornub' infra &c. adjacent propre recent' aliquam rivolum ib'm habent cursum suum ad port de Fowey pro nigro' stanno laborant & operat' fuer' non habentes suffic' puteos & stagn' Buddellor & Cordor' sine ib'm ad salv' & secur' custodiend' lapides & stabula fodita pro struct' Stanni a pred' recent' Rivulo habent' cursum suum ad portum de Fowey pred' juxta Form'
Statut' pred' quod actio accrevit eid'm W. B. ad Exigend' & habeand' de presat' Des pro pred' Dm'na R'na & pro seipso pred' vigint' libr' iidem tamen R. T. & M. N. licet sepius vide Act par. requisit' pred' xxl. eidem W. B. pro dict' Dm'na R'na & pro siament.

Statut' pred' quod action accrevit eid'm W. B. pro dict' Dm'na R'na & pro siament.

Statut' pred' quod action w. B. pro dict' Dm'na R'na & pro siament.

Statut' pred' quod action w. B. pro dict' pred' xxl. eidem W. B. pro dict' pred' contradixerit' action w. B. ad bus contradis' unde idem W. B. dic' quod deteriorat' action w. B. ad bus contradis' unde idem W. B. dic' quod deteriorat' action w. B. ad bus contradis' unde idem W. B. dic' quod deteriorat' action w. B. ad bus contradis' unde idem W. B. dic' quod deteriorat' action w. B. ad Exigend' & deterioration w. B. ad bus contradis' unde idem W. B. & ad huc contradic' unde idem W. B. dic' quod deteriorat' est ad dampn' habet ad valent' x l. & inde produc' fectam &c. Tam pro Dm'na R'na quam pro feipfo & dic' R. T. & M. N. per W. C. Attornatum suum vener' & Def' & relice verificat' pro pl'ito tamen dicti quod ipsi idem Def' in fine Cordior' & Buddellor' fuor' fuffic' fecur' ad confervand' gard' & alia mala

que essent ad nocument' porte port' de Fowey modo & forma prout Statut' niss exigit' unde ex quo pet' judicium si pred' Dm'na R'na & pred' W. B. ac'ne sua pred usus eos habere seu Manat' debeant &c.

Ad quem diem venit hic pred' W. B. tam pro dicta Dm'na R'na quam pro seipso & dic' quod ipse a pred' pl'ito pred' R. T. &c. Modo & forma pred' fact' necesse non habet nec per hujus Terre legem tenet' respond' unde pro des suffic in hac parte Russ' petit judicium & quod debit xxl. unacum pro Dampnis suis occasione detentionis deb' pred' sibi adjudic' — Vide the Stat. set forth at the End of the Stannaries of Cornwall.

Replic.

The Defendant is charged with working in Hawthorne Moore, having no fufficient Hatches and Ties in the End of his Budles and Cords, &c. For answer whereunto he faith, That he made sufficient Safe-guards in the End of his Budles and Cords, to keep the Gord, and other Ills which should hinder the Port of Fowey; and doth not alledge that he made it sufficiently in the End of all the Budles, &c. Also he doth not alledge that it was so at the 11th of May, Anno pred which ought to have been certain; for albeit it were amended after, yet the Cause of Action once given, the Offence is not thereby discharged; so that this Issue should have been, Quod ipse Defen' dicto ximo die Maii Anno supradic' habuit in fine omnium Buddelor' & Cordior' &c. Suffic' hatches & puteos ad conservand' &c. juxta forma &c. sic quod nulla pars lapidum nec stabul' fodito ib'm &c. condut' fuer in &c. pro &c. Wherefore the said W. B. prayeth Judgment for the Queen and himfelf, for the Debt, Damages and Costs of Suit, &c.

The Answer of a Tinner in a foreign Court.

Et pred' Def' in propriis personis suis vener' & desend' vim & injur' &c. & dicunt quod est lex specialis infra totum Stann' Ducat' Cornub' & per diversos Dm'nos Reges Angliæ & progenitores Dm'ne R'ne nunc Stannatoribus ducatus pred' concess & per eand' Domi'm Re'm nunc eisdem Stannatoribus ratificat' & confirmat' quod nullus Stannator' Dm'ne R'ne respond' coram aliquibus Justic' vel Ministris dic' Dm'ne R'ne vel hered' suor' de aliquibus pl'itis sive querel' infra pred' Stann' emergen' nisi coram Custode Stannar' dic' Dm'ne pred' Stannar' qui a tempore suerit exceptis pl'itis terre vite & Membror' ac non recedunt ab operibus suis per summat' alicujus Ministror' die' Dm'ne R'ne sive hered' suor' nisi per summat' dic' Custodis die Dm'ne R'ne & hic in Cur' Custod' Stannar' in Cur' Stannar' & non alibi prout per eand' Cartam inde Stannatoribus pred' concess' plus plenius liquet & apparet & pro eo quod

pred' quer' Narr' usus pred' Des' in hac Cur' de & pro titl' & possessione cujusdem operis Stannar' vocat' Lesa Work ac de quibusdem aliis transgr' in d'co opere Stannar' fact' & perpetrat' quequid' permissa sunt determinabilic' sive determinand' in Cur' Stannar' coram Custode Stannar' sive ejus Deputat' vel ejus locum tenen' ib'm & in nulla alia Cur' dic' Dm'ne R'ne vel alior' unde petunt judicium si Cur' ista inde alterius loqui voluerit, &c.

'A Copy of the Decree of Council between the Tinners of Devon and Cornwall of the one Party, and Gilbert Brokhouse of the other Party.

In the Matter depending in Variance between the Tinners in the Counties of Cornwall and Devon of the one Party, and Gilbert Brokhouse of the other Party, for, and concerning a Lease made by the excellent Prince of samous Memory, King Edward the VIth, unto the said Gilbert Brokhouse, of the Date of the fifteenth of April last past, for the preferment, to the said Gilbert, of the buying of Tin, to be gotten within the Counties aforesaid for certain Years mentioned in the said Lease, with this Condition expressed in the said Lease, (that is to fay) if any Prejudice shall hereafter happen, or grow, untothe faid Tinners of Cornwall or Devon, by or through the Occasion of the said Lease, contrary to the Meaning of these present Indentures, and the same lawfully proved before the most Honourable Privy Council of our said Soveraign Lord, his Heirs or Successors; then our said Soveraign Lord's Plea-fure is, and the said Gilbert Brokbouse is also agreed, that the faid Gilbert Brokbouse's Interest of and in the Premisses, shall, from and after fuch Proof made, and Warning given to the faid Gilbert Brokbouse, or his Associates, cease and no further to be put in use, as the faid Indenture at large more plainly may appear: Forasmuch as it hath been many ways well and fubstantially proved before us, that the Execution of the said Lease hath been already prejudicial to the said Tinners; and if it should continue and take effect, it shall be to the Hindrance, Loss and Damage of all the Merchants of this Realm, and chiefly Merchant Tinners and Tin-workers of the faid Counties of Cornwall and Devon: We therefore, by the Queen's Highness Commandment, after due Examinations of the Allegations made on the Behalf of the Inhabitants of the faid Counties of Cornwall and Devon, and fuch Answer as Gilbert Brokhouse made on the same, and the Depositions of certain Witnesses deposed in that Matter, well considered, do decree and pronounce the said Lease and Demise, being conditional, as is aforesaid, to have failed in the said Condition, in that, and forafmuch,

forasmuch, as the Use and Continuance of the said Lease hath been, is, and should be hereafter more and more hurtful and prejudicial to the faid Counties, to be utterly void, frustrate, and of no effect, foreseeing, nevertheless, that this Decree, or any thing herein contained, extend not to impair or touch the Queen's Highness's Prerogative Royal, annexed unto her Highness's Crown, as her Ancestors heretofore have had; but that her Highness may use the same, to have the Preferment of buying of Tin, when it shall stand with her Highness's Pleasure to use the Commodity thereof.

Dated at the Queen's Highness's Palace at Westminster, the 18th of December, in the first Year of her Grace's most prosperous Reign, ultimo die Maii : Subscribed with the Hands of the most Honourable Council,

> Ro. Rochester, G. Gage, Arundel, Bedford, Hastings, W. Peter, H. Gernegam, J. Bourne, H. Suffex. T. Norfolk,

Will'mus Thomas Querit' versus pl'um Williams de pl'ito transgr' Juper Casum.

> Et sunt pleg' de process' Jo. Doe, & Ric' Roe.

Et unde idem quer' per Jonathan H. Attor' su' querit' & Stannar' de dic' quod cum pred' Des primo die Novemb' Anno Dom' Kirrier. Mill'mo septingentesimo & vicesimo hic apud Helstone infra Jur' hujus Cur' indebitat' fuit eidem quer' in summa quindecim solid' & undecem denar' legalis monetæ Magnæ Britanniæ pro opere Ferrario (Anglice Smith-work) eidem Def' per prefat' quer' ante tempus illud vendit' & delib' & pred' Def sic inde indebitat' existen' in Cons' inde super se assumptit & eidem Indebitat' assumptit existen. quer' adtunc & ib'm fidelit' promisit quod ipse idem Def simul Comp' pred' quindecim solid' & undecem denar' eidem quer' cum inde postea requisit' esset bene & fidelit' solvere & contentare vellet cumq; etiam pred' Def' postea scilicet eodem' primo die Novemb' pred' Anno supradic' apud Helstone pred' infra Jur' Cur' pred' in Cons' quod pred' quer' ad sp'ial' instanc' & requisicat' ipsius Def' fecisset & operasset pro prefat' Def' diversa al' opera Ferraria (Anglice Smiths-work) super se assumpsit & eidem quer' adtunc & ib'm sidelit' promisit quod ipse idem Des' tant' Denar' sum' quant' ipse idem quer' pro opere Ferrar' ult' mentionat' renabilit' meruisset habere eidem quer' Zz

cum inde postea requisir' esset bene & sidelit' solvere & conten-tare vellet & pred' quer' in s'co' dic' quod' ipse pro opere Fer-rario ult' mentionat' per pred' quer' pro pretat' Des sic ut presed' fad' renabilit' habere meruisset summam al' quindecim solid' & undecem denar' legales monet' Magnæ Britanniæ unde pred' quer' prefat' Def' notic' dedit cumq, etiam prefat' Def' postea eodem primo die Novemb' pred Anno supradic' apud Helstone pred' infra Jur' Cur' pred' insimul computasset cum prefat' quer' de diversis denar' summis eidem a prefat' Def' tunc debit' & insolut' & super Cumpt' ill' pred' Def invent' suit in arrearag' erga eund' quer' & cogn'se' debere presat' quer' all' summam quindecim solid' & undecem denar' legalis monet' Magnæ Britanniæ & pred' Def' sic inde in arrearag' invent' & existen' in Cons' inde super se assumpsit & eid'm quer' ad tunc & ib'm fidelit' promisit quod ipse idem def' pred' ult' mentionat' summam quindecim folid' & undecem denar' eidem quer' cum inde postea requisit' esset sc'lit bene & fidelit' solvere & contentare vellet pred' tamen def' separal' promission' & assump' suas pred' eidem quer' per presat' des in sorma pred' fact' Mi'e' Curan' sed machin' & fraudulent' intenden' eund' quer' in hac parte callide & subdole decipere & defraudare pred' separal' denar' fummas in toto se attingen' ad quadragint' septem solid' & novem denar' aut aliquid inde denar' eidem quer' nondum folvit (licet ad hoc faciend' pred' def' per prefat' quer' postea sc'lit secundo die Novemb' pred' Anno supradic' apud Helstone pred' infra Jur' Cur' pred' sepius requisit' esset) sed ill' ei solvere o'io hucusq; recusavit & adhuc recusat unde idem quer' dic' quod ipse deteriorat' est & dampn' habet ad valentiam quinquagint' folid' & unde produc' fectur' &c.

Stannar' de Penwith & Kirrier.

Johanna Tyack vid' querit' versus Joh'm Thomas Executor' Test' & ult voluntat Joh'nis Thomas patris fui nuper defunct' de pl'ito trans super Casum.

> Et sunt pleg' de pross' Jo. Doe, & Ric' Roe.

an Executor.

An Insimul Et unde idem quer' per Thom' P. Attorn' suum querit' & Computasset dic' quod cum pred' Joh'es Thomas defunct' in vita sua primo brought against die Decemb' Anno Dom' Mill'mo septingentesimo nono hic apud Helstone infra Jur' hujus Cur' insimul computasset cum prefat' quer' de diversis denar' summis eidem quer' a prefat' Joh'ne l'homas defunct' in vita sua ante tempus ill' debit arretro & infolut' & fuper Compo' illo pred' Joh'es Thomas defunct' in vita sua invent' fuit in arrearag' erga eund' quer' & cogn' se debere presat' quer' summam septendecim lib' & decem solid' leg'lis monet' Magnæ Britanniæ & pred' Joh'es Thomas

defunct' in vita fua fic inde in arrearag' invent' & existen' in cons' inde super se assumptit & eidem quer' adtunc & ib'm sidelit' promisit quod ipse idem Joh's Thomas defunct' in vita fua pred' septemdecim libr' & decem solid' eidem quer' cum inde postea requisit' esset bene & sidelit' solvere & contentare vellet pred' tamen Joh's Thomas defunct' in vita fua & pred' def' post mortem ipsius Joh's Thomas defunct' promission' & assumpt' ipsius Joh's Thomas defunct' eidem quer' in forma pred' factum Mill' curam sed Machinan' & fraudulent' intenden' ac eorum alter' Machinan' & fraudulent' intenden' eand' quer' in hac parte callide & subdole decipere & defraudare pred' Joh's Thomas defunct' in vita sua nec pred' Def' post mortem ipsius Joh's Thomas defund' pred' septemdecim libr' & decem solid' nec aliquem inde denar' eidem quer' nondum solvere nec eorum alter solvit (licet ad hoc faciend' pred' Joh's Thomas defunct' in vita sua postea sc'lt secundo die Decemb' pred' Anno fupradict' ac pred' Def' post' mortem ipsius Joh's Thomas de-Anno Dom' Mill'mo septingentesimo funct scil' primo die & decimo & sepius postea apud Helstone pred' infra Jur' Cur' pred' per presat' quer' sepius requisit' suisset) sed ill' ei solvere pred' Joh's Thomas defunct' in vita sua & pred' defend' post' mortem ipsius Joh's Thomas defunct' recusaver' & pred' Def' ill' ei folvere adhuc omnio recufat' ad dampn' ipfius quer' vigint' libr' & inde produc' fect' &c.

Rob'tus Ralph quer' versus Joh'em Dunstone de pl'ito trans' & insult'.

Stannar' de Penwith & Kirrer.

Et sunt pleg' de prosequen' Jo' Doe, & Ric' Roe.

Et vade idem quer' per Thom' P. Attorn' suum quer' de eo Trespass and quod ipse idem des die Anno Regni Dom' Georgii Assault.

nunc Regis Magnæ Britanniæ &c. hic apud Helstone infra Jur' hujus Cur' vi & Armis &c. in & super pred' Rob'tum insult' fecit & ipsum Rob'tum ad tunc & ib'm verberavit vulneravit' & maletractavit ita quod de vita ejus maxime desperabat' & alia enormia ei intulit contra pacem dic' Domini Regis nunc &c. & ad dampn' ipsius quer' trigint' solid' & inde produc' sec.

Gaverig'

Stannar' de Penwith & Kirrier. Gaverigan' St. Aubyn Arm' Quer' versus Ricard' Holman aliis dic' Ricard' Holman of the Parish of Gweunop in the County of Cornwall, Tinner, de placito quod reddat ei duodecim libras & quinque solid' bone & legalis monet' bujus R'ni quas ei debet & injuste detinet &c.

Et sunt pleg' de pros' Jo' Doe, & Ric' Roe.

Declaration

Et unde idem quer' per Joh'm P. Attorn' fuum quer' & dic' quod cum pred' Def' decimo octavo die Octobris Anno Dom' Mill'mo fextingentesimo quinto hic apud Helstone infra jur' hujus cur' per quand' Bill' sur' obligat' sigillo ipsius Def sigil' & hic in Cur' prolat' cujus dat' est ejusdem die & Anno obligasset se heredes Executores & Administr' suos sirmit' per eand' Billam presat' quer' in summa duodecim libr' & quinq; solid' bone & legalis monet' Angl' solvere vel solvi causare dict' quer' Executoribus Administr' vel assign' suis summon' sex libr' duo solid' & sex denar' si'lis legalis monet' Angl' apud vel ante vicesim' nonum diem Septembr' tunc prox' sequen' dat' ejusd' bille obligat' prout per eand' Bill' plenius liquet & pred' quer' in saco dicit quod pred' Def' non solvit vel solvi Causavit eidem quer' pred' sex libr' duos solid' & sex denar' apud vel ante pred' vicesim' nonum diem Septemb' prox' sequen' dat' Bill' obligator' pred' quas ei apud vel ante eund' diem solvisse debuit sic'm' formam & essetum ejusdem Bille obligator' per quod actionem accrevit eid' quer' ad exigend' & herend' de presat' Def' pred' duodecim libr' & quinque solid' pred' tamen Def' licet sepius requisit' &c. pred' duodecim libr' & quinq; solid' eidem quer' nond' solvit sed ill' ei hucusa; solvere o'io contradixit & adhuc contradicit ad dampn' ipsius quer' decem libr' & unde produc' sectam &c.

Stannar' de Penwith & Kirrier. Jenkin Vingoe quer' versus Joh'm Jenkins de Madderne in placito transgr' super Casum.

Et sunt pleg' de pros' Jo' Doe, & Ric' Roe.

Et unde idem quer' per Georgium Attornatum suum quer' quod cum ipse idem quer' vicesimo primo die Julii Anno Dom' Mill mo septingentesimo sexto apud St. Ives infra Jur' hujus Cur' suit & adhuc est Restio Anglicæ, a Rope-maker, & pred' Des eødem die & Anno & loco pred' in Cons' quod pred' ad sp'ial instanc' & requisit' ipsius Des venderet & deliberaret eidem Des un' sunem ipsius quer' super' se assumpsit & eidem adtunc

Declarat' in Cas' fur' affumpfit,

adtunc & ibidem fidelit' promisit quod ipse idem Def' solveret eidem Quer' juxta ratam trium denar' & unius obuli pro qualibet' librat', Anglice, pound Weight, inde cum inde extunc postea requisit' esset & pred' Quer' in facto dicit quod ipse sidel' promission' & assumption' ipsius Def' eidem Quer' in forma pred' fact' fidem adhiben' postea scilicet die Anno & loco supred' vendidit & deliberavit eidem Def' un' funem ipfius quer' quodq; funis pred' sic ut prefert' vendit' & delib'at' juxta pred' rotam trium denar' & unius obuli pro qualibet' librat' inde ascendebat, Anglice, did amount unto, sum' octodecim solid' novem denar' & unius obuli legalis Monetæ & deinde pred' Def' adtunc & ibidem notic' h'uit cumq; etiam pred' Def' postea sc'l't vicesimo primo die Julii Anno Dom' Mill'mo septingentesimo feptimo apud St. Ives pred' in Cons' quod ipfe idem quer' ad fp'ial' instan' & requisit' ipsius Des ante tempus ill' vendidisset & delib'asset eidem Des un' funem ipsius Quer' pro usu cujus-dem Stannar' operis vocat' Carnenorth Work, instra Paroch' de de St. Just' instra Jur' hujus Cur' super se assumpsit & eidem Quer' adtunc & ibidem scilicet die Anno & loco pred' ult' mentionat' fidelit' promisit quod ipse idem Def' tant' denar' quant' funis pred' ult' mentionat' tempore vendic' & delib' inde bene valebat eidem Quer' cum inde extunc postea requisit' esset bene & sidelit' solvere & contentare vellet & pred' Quer' infacto' dicit quod funis pred' ult' mentionat' tempore vendic' & delib' inde bene valebat al' octodecim solid' novem denar' & un' obul' legalis monetæ & deinde pred' Def' adtunc notic' habuit' scilicet apud St. Ives pred' cumq; etiam pred' Def' postea scilicet pred' vicesimo primo die Julii Anno & loco fupred'ult' mentionat' in Cons' quod ipse idem Def' indebitat' fuisfet eidem Quer' in summa al' octodecim solid' novem denar' & unius obul' pro al' fune ipsius Quer' eidem Def' ad si'l'es sp'ial' instanc' & requisic' suas ante tempus illud vendit' & deliberat' & pereund' Def' a prefat' Quer' h'it & recept' super se asfumpsit & eidem Quer' adtunc & ibidem fidelit' promisit quod ipse idem Def' pred' octodecim solid' novem denar' & un' obul' ult' mentionat' eidem Quer' cum inde extunc postea requisit esset bene & fidelit' folvere & contentare vellet cumq, etiam pred' Def' postea scilicet vicesimo primo die Julii Anno Dom' Mill'mo septingentesimo septimo supred' apud St. Ives pred' indebitat' fuisset eidem Quer' in al' octodecim solid' novem denar' & un' obul' pro tali sum' per ip'm Def' pro prefat' Quer' & ad ejus usum ante tempus ill' h'it & recept' pro quadam fune per eund' Quer' pro usu cujusdem Stannar' operis infra paroch' de St. Just' pred' vocat' Carnenorth Work ad sp'ial' instanc' & requisition' ipsius Def' ante tempus ill' vendit' & deliberat' & sic inde indebit' existen' pred' Des' in Cons' inde super se affumpsit & eidem Quer' adtunc & ibidem scilicet die Anno & loco ult' mentionat' fidelit' promisit quod ipse idem Def' pred' Aaa

al' octodecim solid' novem denar' & un' obul' ult' mentionat' eidem quer' cum inde extunc postea requisit' esset bene & sidelit' solvere & contentare vellet pred' tamen Des separal' promission' & assumption' suas pred' in forma pred' respective facias Mill' curan' sed machinan' & fraudulent' intenden' eund' Quer' in hac parte callide & subdole decipere & desraudare pred' separal' denar' nec aliquod partem inde eidem Quer' nondum solvit seu aliqualibet pro eisdem contentavit licet hoc ad faciend' pred' Des postea primo die Martii Anno Dom' Mill'mo septingentessmo undecimo & sepius postea apud St. Ives pred' per eund' Quer' requisit' suisset sed ill' ei solvere seu contentare omnino hucusq; recusavit & adhuc recusat ad dampn' ipsius Quer' triguit' solid' & unde produc' sectam &c.

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County of D E V O N;

Revised and Corrected according to the Modern Practice.

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Laws and Customs

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County of DEVON.

The CHARTER granted to the TINNERS in the County of DEVON, by King EDWARD I.

ABSTRACT of the Confirmation of the Said Charter, by divers Kings of this Realm.

ENRY by the Grace of God, King of England and France, Lord of Ireland; To all and fingular to whom these Presents shall come, greeting: We understand by the Letters Patents of the late Soveraign Lord Edward IV. King of England, a Confirmation was made by these Words, &c.

EDWARD by the Grace of God, King of England and France, Lord of Ireland, To all to whom these Presents shall come greeting: We understand by these Letters Patents of the Soveraign Lord Edward III. late King of England, our Progenitor, made in these Words, &c.

EDWARD by the Grace of God, King of England and France, Lord of Ireland, To all to whom these present Letters shall come, greeting: We understand by our Letter caused to be B b b made

made under our Seal at our returning into England, by these Words, Orc.

EDWARD by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Governours, and Ministers; and to all Bailiffs, and other his Faithful, Greeting: We understand by a Writing confirmed, which Lord Edward, late King of England, our Father, caused to be made to the Tin-Workers of the County of Devon, in these Words, &c.

EDWARD by the Grace of God; King of England and France, Lord of Ireland, and Duke of Aquitaine, To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Governours, Ministers, and to all Bailiss, and other his Faithful, Greeting: We understand by Writing, which the Lord Edward of noble Memory, fometime King of England our Father, made to the Tin-Workers of the County of Devon, in these Words:

EDWARD by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Governours, Ministers, and to all Bailists, and other his Faithful, Greeting.

C'Ciatis nos ad Emendationem Stannariarum noftrarum in Com' Devon' & ad Tranquilitatem & Utilitatem Stannatorum nostrorum præd' earundem Concessisse pro nobis & hæredibus nostris, quod omnes Stannatores prædicti operantes in Stannariis illis quæ sunt Dominica nostra dum operantur in eisdem Stannariis fint liberi & quieti de placitis nativorum, & de omnibus placitis & querelis Curiam nostram & hæredum nostrorum qualitercumq; tangentibus. Ita quod non respondeat coram aliquibus Justiciariis vel Ministris nostris seu hæredum nostrorum de aliquo placito seu querela infra prædictas Stannarias emergente nisi coram Custod' nostro Stannariarum nostrarum prædictorum qui pro Pleas of Land, tempore fuerint, exceptis placitis terræ, vitæ & membrorum, nec Life and Limb, recedant ab operationibus fuis per summonitionem alicujus ministrorum nostrorum, seu bæredum nostrorum nisi per summonitionem dicti Custodis nostri; & quod quieti sint de omnibus Tallagiis Theoloniis Stallagiis Auxiliis & aliis Customis quibuscumo; in villis portubus feriis & mercatis infra Com' prædictum de bonis suis propriis: Concessimus etiam eisdem Stannatori-bus quod fodere possint Stannum & Turbas ad Stannum sundendum ubiq; in terris, moris, & vastis nostris & aliorum quo-rumcumq; & Com' præd' & aquas & Cursus aquarum ad operationes Stannariarum prædictarum divertere, ubi & quoties opus fuerit; & emere Buscam ad functuram Stanni, sicut antiquitus fieri Consuevit sine impedimento nostri vel hæredum nostrorum Episcoporum, Abbatum, Priorum, Comitum, Baronum, seu aliorum

are excepted.

quorumcumq; & quod custos noster prædictus vel ejus locum tenens, teneat omnia placita inter Stannatores præd' emergentia & etiam inter iplos & alios forinsecos de omnibus transgressionibus querelis & contractibus factis in locis, in quibus operantur infra Stannarias præd' fimiliter emergentia: Et quod idem custos habeat plenam potestatem ad Stannatores præd' & aliis forinfecis in hujufmodi placitis justitiand', & partibus justitiam faciend' prout justum & hactenus in Stannariis illis fuerit usitatum: Et siqui Stannatorum præd' in aliquo deliquerint per quod incarcerari debeant per custodem prædictum arrestentur, & in Prisona Nostra de Lidford, & non alibi custodiantur, & detineantur quousq; secundum legem & consuetudinem regni nostri deliberentur & si aliqui Stannatorum præd' super aliquo facto infra comitatum præd' non tangente Stannarias præd' se posuerint in inquisitionem patriæ; una medietas juratorum inquisitionis hujus sit de Stannatoribus præd' & alia medietas de forensecis &, de sacto totaliter tangente Stannar' præd' siant Inquisitiones sicut hactenus sieri consueverant; & si quis eorundem Stannatorum fugitivus fuerit, vel utlegatus vel aliquod delictum fecerit pro quo catalla fua amittere debeat catalla illa per Custodem præd' & Coronatorem nostrum Comitatus præd' apprecientur & per ipsos proximus villatis liberentur ad respondendum inde nobis & hæredibus nostris; coram justiciariis itinerantibus in Com' præd' volumus insuper & firmiter precipimus quod totum Stannum, tam album quam nigrum ubicunq; inventum & operatum fuerit in Com' præd' ponderetur apud Tavistock, Asperton, & Chaggeford, per pondera nostra ad hoc ordinata & signata sub forisfactura totius Stan' præd' & quod totum illud Stannum coignetur in eisdem villis singulis annis coram custod' præd' ante diem Sancti Michaelis in Septembris sub forisfactura præd'. Concessimus pro nobis & hæredibus nostris quod omnes Stannatores nostri præd' totum Stannum suum sic ponderatum licite vendere possint cuicumq; voluerint in villis præd' faciendo inde nobis & hæredibus nostris Coignagium & alias confuetudines debitas & usitatas nisi nos vel hæredes nostri Stannum illud emere voluerimus: quare volumus & firmiter præcipimus pro nobis & hæredibus nostris quod Stannatores nostri præd' habeant omnes libertates, liberas consuetudines, & quietantias fupra scriptas & quod eis fine occasione vel impedimento nostri vel hæredum nostrorum, justiciariorum escaetorum vicecomitum, aut aliorum ballivorum seu ministrorum nostrorum quorumcunq; rationabiliter gaudeant & utantur in forma præd' his testibus venerabilibus patribus W. Covent' & Lichfeld' S. Sarum & J. Kerlion, episcopis; Henrice de Laci Comit' Lincoln, Radulpho de Monte Hermerii Comit' Gloucest' & Hertf Hum. fredo de Bohun Comit' de Hereford & Essex' Adomaro de Valencia, Hugone le de Spenser, Johan' de Hastings, & aliis Dat' per manum nostram apud Westmonasterium decimo die Aprilis An. Regni nostri 33tio.

Nos autem Concessiones prædictas ratas & gratas habentes eastem pro nobis & hæredibus nostris quantum in nobis est, concedimus & confirmamus sicut carta prædicta rationabiliter testatur his testibus venerabilibus V. V. Archiepiscopos Ebor'Angliæ primatæ; W. Wigorn' Episcopo Cancellario nostro Gilberto de Clare Com' Gloucestriæ & Herefordiæ Johan' de Warrenna Com' Surræi, Roberto de Clifford Pagano I ibetoti Roberto silio Pagani Senescallo hospitii nostri & aliis dat' per manum nostram apud Ebor' quarto decimo die Augusti An' Reg' nostri quarto.

Nos autem Concessiones prædictas ratas & gratas habentes easdem pro nobis & hæredibus nostris quantum in nobis est præd' Stannatoribus Concedimus & confirmamus sicut carta nostra præd' rationabiliter testatur propterea volentes eisdem Stannatoribus gratiam facere uberiorem in hac parte concedimus eis pro nobis & hæredibus nostris quod ipsi dum operantur in Stannariis illis quieti sint de Muragiis Stallagiis taxationibus & contributionibus quibuscunq; de propriis bonis suis in Comitatu præd' his Testibus veneralibus patribus W. Archiepiscopo Ebor' Angliæ primatæ; J. Elien Episcopo Cancellario nostro; H. Lincoln' Episcopo Thesaurario nostro Thom' Comitæ Norfolciæ & Marescallo Angliæ Avunculo nostro Char' Johan' de Warrenna Com' Surræi & Thom' Wake, Joh' de Boos Senescallo hospitii nostri & aliis dat per manum nostram apud Stanhope, sexte die Augusti An' Reg' nostri primo.

Nos autem tenorem carte nostre sub sigillo quo nunc utimur in Anglia tenore præsentium duximus exemplificandum in cujus rei Testimonium has literas sieri fecimus patentes, Teste meipso, apud Langley duodecimo die Novembris An. Reg' nostri Angliæ

decimo fexptimo Reg' vero nostri Francie quarto.

Nos autem literas prædictas ac omnia & singula in eisdem contento rata & grata habentes easdem pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac nunc Stannatoribus Stannariarum præd' & eorum successoribus ratisficamus & consirmamus prout litere prædicte rationabiliter testantur in cujus rei testimonium has literas nostras sieri fecimus patentes teste meipso apud Westmonasterium vicesimo septimo

die Novemb' An' Reg' nostri primo.

Nos autem cartas & literas præd' & omnia ac singula in eisdem contenta rata & grata habentes easdem pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac dilectis nobis nunc Stannatoribus Stannarium præd' & eorum successoribus tenore præsentium ratisscamus & confirmamus prout carte & litere supradicte rationabiliter testantur in cujus rei testimonium has literas nostras sieri fecimus patentes Teste Meipso apud Westmonaster' duodecimo die Febr' An' Reg' nostri tertio.

Pro quatuor Marcis folut' in Hanaperio.

Devon' magna curia Domini Regis Ducatus fui Cornubiæ Teata apud Crockerentorre in Comitatu Devon' coram Thomæ Deneys Armigero locum tenente Henrici Merney Militis cuftod' Stannariæ Domini Regis in Com' Devon' vicessimo quarto die Mensis Septembris Anno Regni Regis Henrici octavo secundo.

The Names of the Jurates in the Stannary Court of of Chaggeforde.

John Walcot of Chudlegh.
John Brahoun.
Thomas Staplehill.
William Ryfe.
John Widdon.
Robert Foxforde.
Robert Wanell.
William Furfeland.
Robert Windeyate.
Richard Wratt.
John Nucombe, jun.

William Noseworthy.

Thumas Miller.
William Caselegh.
William Furse.
William Denbolde.
Alexander Weekes.
Thomas Batisbyll.
Thomas Tomlyn.
John Ashe.
Richard Crote.
William Mowrie.
Galfridus Loskey.
John Smith Corser.

Jurates of the Stannary Court of Aysburton.

Richard Hamlyn.
John Vele.
John Bonycombe.
John Maddock.
William Miller.
John Baron.
William King of Hole.
John Eyre.
Richard Langworthy.
Thomas Mathew.
John Exte of Breuston.
Richard Foxforde.

Richard Baker.
John Wydecombe.
Richard Hart.
William Widecombe.
John Clyffe.
William Edward.
John Saunder.
Thomas Gaveracke.
Michell Sperkewill.
John Baker.
Robert Tomlyn.
William Berde.

Jurates of the Stannary Court of Plymton.

William at Hele. William Rede. John Beare. Nicholas Brugge. Roberto Batin. Nicholas Combe. John Hede. Water Adam. William Brusey
John Elberto
Roger Eggecombe.
William Chreston.
Jurdan Brugg.
Elias Elford.
Andrew Watts.
Robert Hamme.
Ccc

William

William Odymer. John Peake at Hele. William Tyllam. William Forde.

ond algod John Scobell. Anyminoved production Richard Rofe. A cold bugn at a library Richard Pomerie. Schulle avan noved mo William Wyet. 1001 stingmute algod langua on the algod language and a library 2 entered.

Names of the Jurates of the Stannary Court of Tavi-

Stephen Toker.
Richard Langesforde.
John Chreston.
John Leywodd.
John Glubb.
John Horewill.
John Cholwill.
John Gye.
John Peke of Way.
Thomas Ford.
John Draper.
Thomas Adam.

William Sohed.
John Hyllam.
William Gyll.
John Eston.
Robert Borne.
Robert Heyne:
Henry Humfry.
Roger Langesforde.
William Stephen.
John Tanner.
Henry Haly.
John Hart.

Which said Jurates being sworn and try'd by the Assent and Consent of all the Tinners in the County aforesaid, enact, ordain and constitute, That every Statute of the Tinners, afore this Time then made, to be void, broken, and of none effect; and those done anew to be in this Court affirmed as hereafter followeth.

I.

Be it affirmed and enacted at this present Court, that all manner of Pleas be pleadable in the Tin-Court, and all manner of Matters before the Warden or his Deputy, or Steward, for the time being, except three, that is to say, Plea concerning Land, Life and Mayhem, as is expressed in our Charter.

II

And also be it enacted, that no Deliverance, nor Withernam, be delivered by the Warden, under Warden, or Steward, to any Person or Persons, for any Tin, nor for any Matter touching. Tin or Tin Works.

Vid. Char.
Ed. I. and the

Exposition of
Char.

Also be it affirmed and enasted

ter,

ter, and according to our Custom out of Time, that no mind is, or hath been used. And if any Person or Persons, lett, trouble, or vex any Man, to dig Tin, or to carry Water for the same, contrary to our Custom and Usage; if it be found by Verdict of twelve Men at the Law Day, he that so letteth, vexeth, or troubleth any such Person or Persons, shall fall in the Penalty of Forty Pounds, as oft as he so letteth, vexeth, or troubleth; the one half thereof, to my Lord Prince, and the other half to him that was so letted, vexed, or troubled, and a Fieri Facias to be awarded, as well for my Lord Prince, as for the Party.

W

Also be it assimmed and enacted, that all Tin gather'd, wash'd, and made clean, within the Jurisdiction of the said Stannaries, be fined and made Tin before the Feast of Michaelmas, and so brought to the Coinage, and there coined the same Feast, upon Pain of Forseiture of the same Tin to my Lord Prince; and ever Person that so coineth white Tin, shall pay for the Coinage of every Hundred of Tin, so coined, xviii d. ob. q. and also yearly at Michaelmas, viii d. call'd white Kent.

V.

Also be itaffirmed and enacted, that no Action from hence, forth shall be sued, nor taken, against any Spalliar, for working in any Tin Work, but against him or them that claimeth the Freehold.

VI.

Also be it affirmed and enacted, that if any Person or Persons, Vide Char. being Tinners, voluntarily appear before any Man (except it be Ed. 1. ita person before the Warden or his Deputy, for any Matter determines or hable afore the said Warden) if it be found by Verdict of twelve aliquibusque Men at the Law-day, that then he to make Fine with the Niss coram Warden or his Deputy, after his or their Discretion. And if Custod noit be found by Verdict of twelve Men, at the Suit of the Party, for Stannar then shall he lose ten pound, the one half to my Lord Prince, and the other half to him that will sue for it, and a Fieri Facias to be awarded, as well for my Lord Prince as for the Party.

VII.

Also be it affirmed and enacted, that from henceforth no Tinner sue any other Tinner for any Tin or Tin Works, but only in the Tin Court. And also that no Tinner sue none other Tinner for any other Cause (except Plea concerning Land, Life, and Mayhem, but in the Tin Court, the Court of Lidford, or else in the Court of whom he holdeth, after the Custom and Manner, upon pain of a reasonable Fine to be assessed by the Warden or his Deputy. If it be found by Verdist of twelve

Men at the Law-Court, and if it be found by Verdict of twelve Men, at the Suit of him that was so sued, he shall fall in the Penalty of ten Pound, the one half to my Lord Prince, and the other half to him that was fo fued, and a Fieri Facias to be awarded, as well for my Lord Prince as for the Party.

VIII.

Vide Char. I.

Also be it affirmed and enacted, that no Tinner nor Spalliar, fetch any Warrant nor Supersedeas of the Peace, against any Tinner or Spalliar, but only of the Warden or his Deputy, and if it be found by Verdict of twelve Men at a Law-day, he And if it be shall make Fine with the Warden or his Deputy. found by Verdict of twelve Men, at the Suit of the Party, he shall lose a hundred Shillings, the one half to my Lord Prince, and the other half to him that was so grieved, and a Fieri Facias to be awarded, as well for my Lord Prince as for the Party.

IX.

Also be it affirmed and enacted, that if any Person or Persons enter into any TinWork with force, and so take away any Tin out of any Tin Work, if it be found by Verdict of twelve Men at a Law-day for my Lord Prince, he shall be committed to Lydford, and there to remain till he make Fine with the Warden or his Deputy, and if the faid Entry or taking away of Tin, be found by Verdict of twelve Men, before the Warden, his Deputy, or his Steward, at the Suit of the Party that is fo differzed, or hath his Tin so taken away, he that so entreth or taketh away any fuch Tin, shall fall in the Penal y of forty pound, the one half to my Lord Prince, and the other half to the Party that is fo grieved, and a Fieri Facias to be awarded as well for my Lord the Prince, as for the Party.

Also be it affirmed and enacted, that no Person or Persons being Tinners, shall be returned in any Jury for the King, nor between Party and Party, in no Court of the Stannary, but only in the Court where he dwelleth.

Vide Stat. Hen. VIII. Chap. 9. No Person shall bargain, buy,

Also be it affirmed and enacted, that if any Person or Persons give or promise any Tin Work, or part of any Tin Work, that is in variance, or debate, between Party and Party, to any Gentleman, or other Person to have Lordship or Maintenance for the same, the said Work, or part of the said Work, so given or Rightsor Titles, promised, shall remain to the elder Owners, and he that so giveth or promiseth, and he that so taketh, if it be found at a Law Court by Verdict of twelve Men, they both shall make Fine with the Warden or his Deputy, and if it be found by Verdict of twelve Men at the Suit of the Party, in any Action of Maintenance, every of them shall fall in the Penalty, of 20 1. the

one half to my Lord Prince, the other half to him that will Sue, and a Fieri Facias to be awarded, as well for my Lord Prince as for the Party.

XII.

Also be it affirmed and enacted, that no Person or Persons make any Sinder Tin after it is water'd, be it allay'd with other Tin or not; or make any hard Tin, without it be marked with the Letter H, upon pain of Forseiture of the same Tin, the one half to my Lord Prince, and the other half to him that so findeth it.

XIII.

Also be it enacted, that the Owners of every Blowing-House shall enter their House Mark of his House, at the Law-Court, next after such a House is made, in the Steward's Books; and also every Man that Bloweth and Coineth white Tin, shall enter his Hot Mark in the Steward's Books before he Coin his Tin, upon pain of Forseiture of the same Tin that is so coined.

XIV.

Also be it enacted, that no Tinner be retained with any Person or Persons, by Sign, Badge, Token, Livery, Promise, or otherwise, but such as be manual Servants, and other as the Law doth permit, but only with my Lord Prince, the Warden, or his Deputy, or with such as my Lord the Prince shall Assign, upon pain of Forseiture to every Member so retained, 40 s. if it be sound by Verdict of twelve Men, or otherwise by due Examination, or by sufficient Proofs had before the said Warden or his Deputy.

XV.

Also be it enacted, that if any Merchant, or other Person, buy any Tin, and afterward the faid Tin be found not Merchantable, that then if he that Bought the faid Tin come to the Court and bring the faid Tin, or Part thereof, and the Owner's Mark, and the House Mark, not melted nor broken, that then the faid Tin shall be melted openly in the Court; and if there be any Sinder Tin therem, and not Merchantable, that then the Owner of the faid Tin, and he that Blew the faid Tin, by the Overfight of the Warden, his Deputy, or Steward, shall Recompence the faid Merchant for his Costs and Charges, and alfo to Forfeit the same Tin to my Lord Prince, and to make Fine with the Warden, or his Deputy, for the same; and if the faid Tin be found good and Merchantable before the faid Warden, or his Deputy, then the faid Merchant shall fall in the Penalty of a hundred Shillings, half to my Lord Prince, and the other half to him that is so grieved; and a Fieri Facias to be awarded ut Supra.

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XVI.

XVI.

Also be it enacted and ordained, that whereas divers Owners be in one Work Partners, and if any of them will defraud his Partners, and fo suffereth the said Works to be a lay, and by Covenant between a Stranger and him, suffereth the said Stranger to Pitch the faid Work, or else is awarned of the faid Pitch of the faid Work, and doth not his Partners beware of the faid Pitch, and so defraudeth his Partners, that then he that so defraudeth his Partner, shall lose his Part of the said Work to his Fellow; and he that so pitcheth, and he that so defraudeth, every of them shall fall in the Penalty of 201. the one half to my Lord Prince, and the other half to them that were so defrauded, if it be found by Verdict of twelve Men at the Suit of the Party that was so defrauded, and a Fieri Facias to be awarded, as well for my Lord Prince as for the Party.

Also be it enacted and ordained, that if any Spalliars that hath the keeping of any Man's Work, and suffereth the said Work to be a Lay, by Covenant between him and a Stranger, and causeth the said Stranger to Pitch the said Work, and so defraudeth him and his Partners who gave him the Work to keep, that then he that so Pitcheth shall lose his Pitch, and he that so defrauded, and he that so pitched, every of them shall lose 10 l. the one half to my Lord Prince, and the other half to the Party, if it be found by Verdict of twelve Men at the Suit of the Party, and a Fieri Facias to be awarded as well for my Lord Prince as for the Party.

XVIII.

Vide the Form the Stannary Laws of Corn-

Also be it affirmed and enacted, that a Nichil shall be returnof a Nichil in ed as it hath been used, and the Bailiff be examined in the Court, that the Defendant may not be attached, and that the faid Defendant hath no Goods nor Chattels whereby he may be attached.

XIX.

Also be it enacted and ordained, that all Bargains and Sales hereafter to be made, by any Person, or Persons being within the Age of fixteen Years, to any Person or Persons, to be void and of none effect.

Also be it enacted and ordained, that if any Man or Woman die seized of any Tin Works, their Heir or Heirs being within the Age of fixteen Years, that then he or she that is next of Kin, to whom the Right of the faid Work shall not descend, or fuch as his Father or Mother putteth in Truft, shall have the Rule of the faid Tin Works, and to yield Account to the faid Heir or Heirs, when he or they cometh to the Age of fixteen Years, and to have reasonable for his Cost and Charges.

XXI.

Also be it enacted and ordained, that from henceforth all manner of Bargains and Sales made of all Tin Works, whereof any Man is seized of, as in the Right of his Wife, continue no longer but during the Coverture, and after the said Coverture determin'd, all such Bargains and Sales to be utterly
void and of none effect, and that it shall be lawful to every
such Wife, or their Heirs, to enter into the said Works so held
by their said Husband, without Danger of the Penalty of any
Statute, and without any Suit or Claim surther therefore to
be made.

XXII.

And be it also further enacted and ordained, that from henceforth no Pitch or Warning, made by any Person or Persons, being within the Age of fixteen Years, of any Tin Work or Works, be in any wise to them prejudicial, but utterly to be void and of none effect, except it be given in open Court to his Guardian, in behalf of the said Insant, and thereupon the said Guardian to make Defence lawful, without Covin, Fraud, or Colour, so that the Possession of the said Insant be not lost nor recovered in the Desault of the said Guardian, upon pain of Forseiture of 20 l. if it be found against the Guardian by Verdict of twelve Men, at the Suit of the Party, and thereupon all such Recoveries to be void and of none effect.

XXIII.

Also be it enacted and ordained, that if any Person or Persons being Tinners or Spalliars, refuse to pay, or hereafter shall refuse to pay any Part of such Sum or Sums of Money as is, or hereafter shall be assessed upon any of them by the Ordinance and Assent of sour substantial Customers of every of the four Courts, chosen and appointed by the Warden, or his Deputy, for the assessing of the same, for the Confirmation of our Charter, and for such other Charges and Business as hath been done, or hereafter shall be done, for the Wealth of the Stannary, shall fall in the Penalty of 51. if it be found by Verdict of twelve Men at the Law-day, or otherwise by sufficient Proofs had before the Warden, or his Deputy, the one half to my Lord Prince, and the other half to them that shall be so assigned by the said Warden, or his Deputy, for the levying of the said Money so assessed, to the use of the whole Body of the Stannary, and a Fieri Facial to be awarded.

XXIV.

Also be it enacted and ordained, that no Person or Persons make any Wash but he warn his Partners that have born the Charge with him of the working of the Tin, and none other, upon Pain of Forseiture of 10 l. the one half to my Lord Prince, and the other half to his Partners that have born the Charge

with him, if it be found by verdict of 12 Men, at the Suit of the Party griev'd, and a Fieri Facias to be awarded, as well for my Lord Prince, as for the Party.

XXV.

Also be it enacted and ordained, that if any Person or Persons, being seized of any Tin-Work, or part of any Work now at this Court held at Crockerentorre, and so seized hereaster, peaceably continue two Michaelmas Washes, without claim made in open Court to the same, and entred in a Book that shall hereaster remain in the said Court of Record, where the said Tin-work lieth in, he or they that so have continued peaceably any such Work or Works, shall have the said Work, or part of the Work, to him, and to their Heirs in Fee, according to the Custom of the Stannary; provided always, that this Act extend not, nor be prejudicial to any Woman Covert, Infant within the Age of 16 Years, Men out of the Realm, and Men being in Prison, having no Space nor Liberty to make his Claim, nor to the Heirs of any Lunatick Man.

XXVI.

Also be it enacted, that if any Action of Trespass be brought by any Tinner, for any Trespass done in his Ground, and if the Defendant come into the Court, and say, that the Place whereas the Trespass is supposed to be done, is his Freehold, or else the Freehold of another Person, and prayeth to be dismissed, forasmuch as it is concerning Land; that then the Steward shall give him a Day at the next Court to bring his Writing, or the Writing of him whose he supposeth the said Freehold to be, or a credible Witness, that he, or the Persons in whom he supposeth the Freehold to be, were seized of the said Freehold at the time of the Trespass against him supposed, whereby the Freehold may appear in him or them, that then he to be dismissed by the Discretion of the Steward: And if not, he to make answer to the Trespass at his Peril.

XXVII.

Also be it enacted and ordained, as it hath been used in times past, that the manner of Gifts of Tin-Works to be good (that is to say) by Testament, Letter of Attorney, and Hand Livery.

XXVIII.

Also be it ordained, that whereas a Man hath diverse Tin-Works, and will depart from them by Hand Livery, or otherwise by Letter of Attorney, it requireth Livery to pass in every Work.

XXIX.

Also be it enacted and ordained, that if any Person or Persons, sell and deliver any white Tin, or if it be uncoined, whereby my Lord Prince shall loose his Coinage, he shall for-

feit the faid Tin to my Lord Prince, and make Fine for his untrue Demeanor.

XXX.

Also be it enacted and ordained, that if any Man coin any other Man's Tin in his own Name, the same Tin shall he forfeit to my Lord Prince, and he that so coined it, to make Fine for his untrue Demeaning.

XXXI.

Also be it enacted, that whereas divers Partners be in one Work, it shall be lawful for every of them to work in his Work his own Part, without any let or danger to his Fellows, and that his Fellows shall take no Tin at Wash, but forasmuch as they have wrought, or as they have laid Spail for, or agree with his Partners that hath born the Charge, and that washes be made in due time as they have been used in times past.

XXXII.

Also be it enacted and ordained, that if any Tinner be wronged, that then he may complain to the Steward at the Court, and if they will not do him justice, but be partial, then he to complain to the under Warden, and if he will do him no justice, then he to complain to the chief Warden, and if he do no justice, that then he complain to my Lord Prince's Council at his Liberty, and if any Tinner do, contrary to this Act, he shall fall in the Penalty of 20 l. half to my Lord Prince, and the other half to him that he complaineth upon, if it be found by verdict of 12 Men at a Law Day.

XXXIII.

Also be it enacted and ordained, that if any Sheriff, Eschea-Nisi per sumter, Bailiff, Arrant, or any other Person, arrest, trouble, or mon did'e vex any Tinner, going to his Work, being in his Work, or vide Char' coming from his Work, as it is expressed in our Charter, except Ed. I. it be by the Commandment of the Warden, his Deputy, or Steward, that then he shall fall in the Penalty of 20 1. half to my Lord Prince, and the other half to him that was fo aggriev'd, and a Fieri Facias to be awarded, if it befound by verdict of 12 Men.

XXXIV.

Also be it enacted and ordained, that whereas in times past, vide Char' all Tins have been accustomed free of all manner of Tollage, Ed. I. omni-Toll, Stallage, Aid, and all manner of Customs, in Towns, auxiliis Custu-Ports, Fairs, and Markets, of their own proper Goods, as it mis in villis is expressed in our said Charter; and that if any Customer, portubus Ferris, &c. Comptroller, Mayor, Bailiff, Water-bailiff, Steward of Fran-Mercat'in chifes, or any other Person, take any Money of any Tinner, Com' præd' for any of the Articles above rehearsed, except it be the King's Custom; if it be found by Verdict of 12 Men at the Law-Day, he shall make Fine with the Warden or his Deputy, and

if it be found by Verdict of twelve Men, at the Suit of the Party, he shall lose 10 l. the one half to my Lord Prince, and the other half to him that was so grieved, and a Fieri Facias to be awarded, as well for my Lord Prince as for the Party.

XXXV.

Also be it enacted, that no Man being a Tinner, at the Suit of any Man, shall appear or pass in any Assizes, or Nisi Prius, against any Tinner or Tinners, for working or digging in any Man's Freehold, according to the Custom of the Stannary, upon pain of Forseiture of 20 L the one half to my Lord Prince, and the other half to the Prosit, Use, and Behoof of the Stannary, if it be found by Verdict of twelve Men at the Law-day.

XXXVI.

Also be it enacted, that it shall be lawful from henceforth for every learned Man to plead in every of the four Tin Courts, so that they plead there in *English*, and he that doth the contrary, his Plea to be void, and no more to be admitted to Plead in any of the said Courts.

XXXVII.

Also be it ordained, that a Fieri Facias shall be awarded upon every Statute, where the Party is put to his Action.

Devon. THE Great Court of our Sovereign Lord the King, in his Dutchy of Cornwall, holden at Crockerentorre in the County aforesaid, before Philip Champernon, Knt. in the Stead of Henry Marquis of Exeter, Warden of the Tinners under our Sovereign Lord the King, in the aforesaid County of Devonshire, the 28th Day of October, in the 24th Year of the Reign of King Henry the Eighth.

The Names of the Jurates in the Stannary Court of of Chaggeforde.

John Southcot.
William Burgin.
John Atyshill.
Richard Wanell.
Philip Furse.
John Newcombe.
William Noseworthey.
John Shere of Bonyhill.
Godfrey Loskey.
William Knapman.
William Hore.

John Gray.
John Roo of Beridon.
Thomas Elherde.
John Major.
John Bowden of Doccombe.
Thomas Hereys.
John French.
Henry Erofe.
John Yelden of Middlecote.
William Benet.
William Cominge.

Jurates of the Stannary Court of Aysburton.

John Vele.
William Smith.
Robert Hamlyn.
John Ferres.
William Myller.
John Horsebame.
John Langworthy of Bokeland.
Thomas Philip.
Richard Caysbe.
Richard King.
Walter Rowe.
Nicholas Brende.

John Pethybrigge.
John Wydecombe.
William Baron.
William Elys.
Thomas Prydeux.
John Voyse.
Richard Tayler.
John Foxford.
John Maddock of Hushe.
Thomas Jamlyn.
Elias Hert.
William Snowden.

Jurates of the Stannary Court of Plymton.

Richard Chalens.
John Mason.
Richard Wylling.
John Foate.
Thomas Berman.
William Brende.
Nicholas Leteltoc.
Nicholas Thornnige.
Beldewyne Hele.
John Hutchyn.
William Clarke.
Henry Caunterell.

Richard Browne de Mevy.
Nicholas Compe.
Thomas Brownisden.
Richard Abbot of Cadley.
John Pomery of Mewy.
John Baron of Heath.
Richard Fosterd of Cornwood.
William Chapel of Chapellegh.
John Hed.
Thomas Ford of Brixton.
Thomas Ann.
Richard Brownisden.

Jurates of the Stannary Court of Tavistock.

Thomas Cole, Armiger.
Robert Crays.
Henry Langesford.
John Hert.
John Brownifden.
Nicholas Lugger.
John Efton.
John Burneford.
John Chubbe of Hill.
John Horwyll of Lidford.

John Scotworthy.

Thomas Tonden.
Henry Creysbe.
John Cole.
Philip Fote.
John Stephen of Guathan.
Walter Burgh.
William Prior of Martavy.
John Gee of Herrebrigge.
Richard Drake.
Walter Kuggliton.
John Hoper of Whitchurch.
Stephen Toker.

Which faid Jurates as are aforefaid Elect, Sworn, and Tried, with the Assent and Consent of all the Tinners of the aforefaid County of Devon, do Enact, Assirm, Ordain, and by these Presents Establish, that as well all Statutes now new made, as all other Statutes before this Time there made and assirmed, (other than such Statutes as now in this Court, and in other Courts heretofore holden there, are made, frustate, and void) do and shall henceforth wholly remain in sull Strength and effect, as hereafter more plainly appeareth.

I.

First, Be it assirted and enacted from henceforth, by Authority of this present Court, that all Tinners keep their Tin Works as hereaster followeth (that is to say) yearly between the Feast of St. Peter Advincula, and the Feast of St. Michael the Archangel, now next following, to renew, or Cause their Head-weares, Side Bounds, Waterlets, and Tail of every Tin Work

Work that now is, or hereafter shall be; and if there be any Tin Work or Tin Works, that hereafter be not kept according to this Act, as is before rehearfed, it shall be lawful to every Man to Pitch them as Works a Lay, so that the Pitcher which shall Fortune to Pitch any such Tin Work, or Works, for Default of renewing of them, as is abovefaid, Pitch the faid Tin Work or Tin Works before the Feast of All-Saints, next following after the Feast of St. Michael, and also give Warning to the Owner or Owners of the Pitch of the faid Tin Work, or Tin Works, before the Feast of All-Saints, in the Presence of Four or Five Tinners; and at the Time of the faid Warning, the said Pitcher shall take the said Owner or Owners that he fo Warneth of the faid Pitch, of his faid Tin Work or Tin Works, by the Arm, shewing to him with a loud Voice, that he may hear him, the Cause of his Pitch, and the Day when he pitched the faid Tin Work or Tin Works; and also the said Pitcher at the next Tin Court, holden where such Tin Work lieth in, next after the faid Warning given to the faid Owner or Owners at the Beginning of the faid Court, shall cause the Steward of the same Court, or his Deputy for the time being, to enter into his Book that shall remain in the Court at all times of Record, the Name of his Pitch, that is (to wit) his own Name, and all his Fellows Names, named to be pitchers of the faid Tin Work, the Tin Works Name, the Owner or Owners Names that he fo warn'd, and the Day and Place when he gave them such Warning; and thereupon, the faid Steward or his Deputy for the time being in the same Court, and in the other Stannary Courts next following, wherein the faid Tin Work lieth not, (when the Steward, or his Deputy, thall think most People to be present) shall make Proclamation of the faid Pitch, and warning of the faid old Owner or Owners of the faid Tin Work, or Tin Works, or elfe the faid Pitch to be void and of none effect, taking of the faid Pitcher for his Labour, eight Pence, and then after the last Proclamation of the faid four Courts, the faid Owner or Owners of the faid Tin-work or Tin-works, shall have Liberty by the Space of three Months, to prove his or their faid Tin-work or Tin-works to be truly kept according to this Act, at the faid Tinworks Head, that the faid Owner or Owners, or one of their Partners, within the faid three Months, fet one lawful Day to the faid Pitcher, when the faid Owner, or Owners, or their Keeper, will prove his or their faid Tin-work or Tin-works, and at that Day so appointed, by the said Owner or Owners, the faid Pitcher shall give Attendance at the faid Tin-work, from the Sun rifing, till the going down of the Sun, to hear whether the faid Owner or Owners, have kept according to this Act; and if the faid Owner or Owners of the faid Tin-work or Tin-works, nor their Keeper, do not prove his or their faid Tin-work, kept according to this Act, within the faid three

Months, and at the Day, by him or them, to the Pitcher fo appointed (if the said Pitcher be there ready to hear their Proof) as is abovefaid, that then the said Pitcher to have the said Tinwork to him and to his Heirs for ever, according to the Custom of the Stannary.

11.

And it is further enacted and ordained, that if the faid Pitcher at the said Day appointed by the said Owner or Owners, to prove the faid Tin-work or Tin-works, do warn or let the faid Owner or Owners, or their Keeper, to prove their faid Iinwork or Tin-works, or absent himself, and will not hear their Proof, as is above specified, that then the said Owner or Owners, shall come to the next Tin-Court holden where their Tin-work pitched, lieth, and enter their furmife of the letting of their Proof against the said Pitcher, whereupon a Scire Facias shall be awarded against the said Pitcher to appear at the next Court; and at the next Court, or fuch Court when the Scire Facias shall be returned, sued by the Bailiss of the fame Court, or by any other Person, by the Steward, authorised for the same, that if the said Pitcher, nor no Person for him, do not appear, that then the faid Owner or Owners, or their Keeper at the Court, shall be admitted to prove their faid Tin-work or Tin-works in the Court, and the faid Pitcher shall lose his Pitch, and forfeit 20 l. th one half thereof to our Sovereign Lord the King, having no Prince, and when God shall send us a Prince, to the Lord Prince, and the other half to the faid Owner or Owners, and Process for the levying thereof to be awarded, as it hath been used upon other Penalties, and if the faid Pitcher do appear upon the fuing of the faid Scire Facias, then the faid Pitcher shall have a Day over, to make answer to the faid Owner or Owners to their Bill of Surmife, till the next Court, if he will pray the same, and at which Court, if the said Pitcher can nothing say, but that he pitch'd the said Tin-work of the faid Owner or Owners, and gave them, or any of them, warning according, which Matter will appear of Record in the Steward's Book, as is afore specified, and whereupon the faid Owner or Owners, fet him a Day of Proof, as is afore specified; that then, if the said Owner or Owners, bring into the Court, or the next Court following, four or five Tinners, proving sufficiently that the said Owner or Owners, or their Keeper, were at the Day by them affign'd to the faid Pitcher, at the Tin-works Head, ready to prove their faid Tinwork lawfully kept according to this Statute, and that the faid Pitcher warned, him or them, or absent himself from the said Owner or Owners, or the Keeper, shall be admitted to prove their faid Tin-work of Tin-works in the same Court, by the Steward or his Deputy for the time being without delay, and there to recover their Work, and the faid Pitcher to fall in the Penalty of 20 l. the half thereof to our Sovereign Lord the King, having no Prince, and when God shall send us a Prince, to the Lord Prince, and the other half to the said Owner or Owners, and Process for the levying thereof to be awarded, as it hath been used upon other Penalties.

III

Provided that if the faid Pitcher do lawfully prove by four or five Tinners, before the Steward or his Deputy, at the faid Court, that he shall have a Day over to imparoll, that at the Day of Proof appointed by the same Owner or Owners, that he gave Attendance at the head Wear of the said Tin-work that he pitched, supposing to be the head Weare of the same Tin-work that he pitched, and the said Owner or Owners, or their Keeper, come to another head Weare, which pertaineth to the same Tin-work, that the said Pitcher pitched, and gave warning of that, that then the old Owner or Owners, or their Keepers, shall prove their said Tin-work or Tin-works, in the Tin Court, or at the next Court there holden, and thereby the said Pitcher to lose no Penalty, but only his Pitch, and the said Owner or Owners, to recover but only the Tin-work or Tin-works-

IV.

Provided also, that after such Pitching and Warning given of any Tin-work, or Tin-works, by any Person or Persons, that if the faid Pitcher be not known by the Party that warned of a Pitch, or else he avoid the Country, so that the said Owner or Owners, of the said Tin-work or Tin-Works, cannot come by him, to fet him a Day of Proof of his faid Tin-work or Tin-works by him fo pitched, that then the faid Owner or Owners, shall enter, or cause to be entred in the faid Tin Court, within the faid three Months next after the last Proclamation of the faid Courts, that will prove their faid Tin-work or Tin-works at a certain Day, by the Owner or Owners to be limited, within the faid three Months, that they or their Keeper at their faid Works Head, and thereupon at the same Court, and at the three other Stannary Courts, where the faid Vin-works lieth not; then next following the Steward shall cause the Bailiss to make open Proclamation of the Day that the faid Owner or Owners will prove their faid Tinwork or Tin-works at their Tin-works Head, at which Day, if the faid Pitcher come not at their faid Tin-works Head, to have their Proof as is abovefaid, he shall lose his Pitch, and the faid Owner or Owners shall recover their faid Tin-work or Tin-works, and the faid Pitcher to fall in the Penalty of 10 l. the one half thereof as is above specified, and the same Proclamations to be made, the faid Owner of Owners shall give the Steward 8 d.

V.

And also be it affirmed and enacted, that the Act made at Crockerentorre aforesaid, the 24th Day of September in the second Year of the Reign of our Sovereign Lord King Henry the Eighth, of and for the keeping of all Tin-works within the Stannary, and every thing contained in the same Act be from henceforth utterly void and of none effect:

VI.

Also, that where, out of Time, it hath been used within all the Stannary of Devon, that every Person working within any Stream Works, should keep their Gravel, Ruble, and Sand, under the Swerd of Grass, and by Force of the Water to convey it to the Great River, because it should hurt no Man's Pasture, nor quirt any Tin-work. And now is supposed by certain Inhabitants of the Haven Towns of Dartmouth and Plimouth, within the said County, that the said Ruble, Gravel, and Sands, descendeth by Reason of the great Floods, to the said Haven Towns, whereby in Continuance it should greatly hurt and quirt the said Havens, which God forbid.

VII.

Wherefore be it enacted and ordained by Authority of this present Court, that every Person or Persons that hereafter shall Work in any Stream Works, or cause any Stream Work to be Wrought, that they and every of them Convey and Carry, or cause to be conveyed and carried, the Gravel, Ruble, and Sands, into old Hatches, Tipittes, miry Places, or other convenient Places, from the said great Rivers, so that the said Gravel, Ruble, or Sands be not conveyed to the said Havens of Dartmouth and Plimouth, or any of them hereafter shall be decayed or hurted; upon pain of such Fine and Fines as hereafter shall be by the Lord Warden or his Deputy assessed, or set upon every Person or Persons, for every Default so offending contrary to the Provision of this Statute, to the Use of our Sovereign Lord the King, &c. if any such Default be found by Verdict of twelve Men at the Law-day, at any of the said four Stannary Courts.

VIII.

Provided always that no Person or Persons convey or bring their Gravel, Ruble, or Sands, into any Hatches, Ties, or Water-lets of any Tin-work, while the said Tin-work is in Working; and if any Person or Persons do, the Party grieved shall have like Remedy by Action, as it hath been heretofore ever used for the same Offences, this Act notwithstanding.

IX:

Also be it enacted and affirmed, that every Person or Persons that hereafter shall Work in any Hatch Works night he River of Dort, Tamer, or any other great River that descendeth to the said Havens of Dartmouth and Plimouth, or any of them, shall turn, or cause to be turned, their Lake Waters into their Hatches they have wrought, and thereon convey their Gravel, Ruble, and Sands, from the great River, so that it be conveyed to the said Havens, or any of them, whereby the said Havens, or any of them, hereafter shall be decayed or hurted, upon like Pain as is next afore specified.

X

Also that where at the great Court holden at Crockerentorre, the 24th Day of September, in the second Year of the Reign of our Sovereign Lord King Henry the Eighth, it was enacted and ordained, That if any Person or Persons, being warned of the Pitch of any Tin-work or Tin-works, and did not prove their faid Tin work or Tin-works, within three Months next following; and after that, if the laid Owner or Owners, did Sue, Vex, or Trouble the faid Pitcher after the faid three Months, or enter into the faid Tin-work, should fall in the Penalty of 20 1. if it were found by Verdict of twelve Men; at the Suit of the Party, by Force of which Statute many and divers subtle Persons have craftily pitched divers Tin-works, and have given crafty Warnings of their Pitch to the Owners of the said Tin-works, which Warning the said Owners have not perceived nor heard, and some Time the said Owner or Owners have continued daily Working in the faid Tin-works at the Time of the faid Warning, and so till after the faid three Months expired; and sometimes the said Pitchers after they have given such Warning of the Pitch of their said Tin-work to the faid Owner or Owners, have absented themselves, fo that the faid Owner or Owners, could not meet with them, to fer a Day to prove their faid Tin-works within the faid three Months, according to another Statute thereof made and provided; so that after the faid three Months were expired, the faid Owner or Owners, had no means to Sue the faid Pitcher for their lawful Remedy, but they should fall in the Penalty above fpecified, whereby the faid Owners have lost many of their Tin Works, and also forfeited the faid Penalties in the fame Statutes above specified, to their utter undoing.

XI.

Wherefore be it enacted and ordained by Virtue of this Great Court, that the faid Act made in the second Year of our Sovereign Lord the King, and every thing in the same Act contained, be from henceforth utterly void and of none effect.

XII.

Also be it affirmed and enacted, that from henceforth no Bailiffs of the Stannary shall take of any I'erson that hereafter shall be arrested upon any Nichil, or for the Security of the Peace, above Six pence, and that the Keeper of Lidfurde, nor his Deputy, shall take of any Person or Persons that hereafter shall be arrested upon a Nichil, or for Surety of the Peace, any Fees, unless the Parties so arrested be brought to the Prison of Lidforde, and that the Keeper shall take of every such Prisoner for his Fees 2 s. 6 d. and for his Meat and Drink according to the old Custom heretofore used, upon pain of 20 s. for every Time that the said Keeper or Bailiss, doth contrary to this Statute, if it be found at a Law-day in any of the said sour Stannary Courts, the one half to our Sovereign Lord the King, and the other half to the Party grieved.

XIII

Also be it affirm'd and enacted, that no Bailiff nor Bailiffs, bring any Person nor Persons to the Prison of Lidforde, that hereafter shall be arrested by a Nichil, except it be upon an Execution of a Condemnation, if the Person or Persons that so shall be arrested, find or bring to the said Bailiff or Bailiffs, good and sufficient Sureties to answer the Party Plaintiff, at the next Court after the said Arrest, upon pain of 20 s. for every Time so offending, the one half thereof to our Sovereign Lord the King, and the other half to the Party grieved, if it be found by Verdict of twelve Men at a Law day, in any of the four Stannary Courts.

XIV.

Also be it affirmed and enacted, that the Steward, or his Deputy, for the Time being, shall take for the Crowning of any Person, not above two Shillings, and the Bailiff for his Return of the Jury for the same not above 6 d. upon pain of every such Default 20s. the one half to our Sovereign Lord the King, and the other half to the Party grieved, &c.

XV

Also be it affirmed and enacted, that no Person or Persons from henceforth be admitted to any Essoine, upon an Issue to be tried after twelve Men have appeared, and that it shall be lawful to the Party, Plaintiff, or Plaintiffs, upon every Issue, to be tried after the Jury returned, one Time to be essoyn'd, according to our old Custom, and in likewise the Defendant or Defendants, so the Essoyne be laid before twelve Men have appeared, &c.

XVI.

Also be it assirmed and enacted, that every Tinner or Tinners within the said Stannary, shall make, or cause to be made, before the said Feast of St. Michael the Archangel next coming, their Head-wears and Tails, like a Head hooked Arrow, in all dry Tin-works, and half Hooks in all Tin-works adjoining to any River, upon pain of reasonable Fine to be assessed by the Lord Warden, or his Deputy, if it be sound by Verdict of twelve Men at the Law-day, in any of the said sour Stannary Courts.

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Devon. THE Great Court of our Sovereign Lord the King, in his Dutchy of Cornwall, holden at Crockerentorre in the County aforesaid, before Philip Champernon, Knt. in the Stead of Henry Marquis of Exeter, Warden of the Tinners, under our Sovereign Lord the King, in the aforesaid County of Devonshire, the 25th Day of September, in the 25th Year of the Reign of King Henry the Eighth.

The Names of the Jurates in the Stannary Court of Chaggeforde.

John Batishyll.
William Noseworthy,
John Newcombe.
William Hore.
Godfrey Loskey.
William Rugg.
John Shire.
John Endecot.
Thomas Ilhert.
John Frey of Manaton.
John Parre of Heanocke.
William Voyse.

John French.
John Langworthy of Hattishill
John Rowe of Berydon.
Thomas Caselegh.
John Coyshe.
Richard Abraham.
John Windiate of Grendon.
Alexander Drayton.
James Benet.
Simon Taverner.
Richard Crote.
John Glanfylde.

Jurates of the Stannary Court of Aysburton.

Thomas Prideaux.
William Coward.
John Bery, Sen.
John Veale.
John Voyse.
Robert Hamlym.
Richard Taylor.
John Maddok of Blakeal.
Thomas Hamlym.
John Dolheare.
Richard Langworthy of
Lesewell.
John Horsham.

John Langworthy of Bukland.

William Smith.

John Widecombe of Bukland.

William Bonicombe.

John Stiddeston.

Thomas Woodde.

Thomas Phillip.

Richard Quoyshe.

William Leer.

John Dybell.

Henry Paty.

Robert Hanworthie.

Jurates of the Stannary Court of Plympton.

Richard Chalons.
Nicholas Thorney.
John Mason.
Thomas Ford.
John Luscombe.
Walter Stondon.
John Fote.
Richard Abbot.
William Chapell.
Walter Elford.
John Browne,
John Med of Shitstor.

John Hedde.
Edmond Lange.
John Meyowe,
Andrew Walker.
William Towsen.
John Stert.
Henry Canterell.
William Martin.
Thomas Brounsden.
John Bacer.
Roger Bond.
William Bende.

Jurates of the Stannary Court of Tavistock.

Roger Langisford.
John Cole of Peterstavy.
Richard Darke.
John Atwill.
John Statworthy.
Henry Crees.
Walter Borrowe.
John Redeclysse.
John Williams.
John Brownsden.
John Watts.
John Gie of Horeburg.

Ralph Eston.
Roger Page.
Roger Gyll.
John Batocke.
Walter Langisford.
Walter Knighton.
Martin Edward.
John Hoper.
John Gadnig, Scn.
Walter Gladsilde.
William Prior.
Thomas Stondon.

Which said Jurates, as are aforesaid, Chosen, Sworn, and Tried, with the Assent and Consent of all the Tinners of the aforesaid County of Devon, do Enact, Assirm, Ordain, and by these Presents Establish, that as well all Statutes now new made, as all other Statutes before this Time there made and affirmed, (other than such Statutes as now in this Court, and in other Courts heretofore holden there, are made frustate, and void) do and shall henceforth wholly remain in sull Strength and effect, as hereafter more plainly appeareth.

Whereas before this Time, divers and many Tinners in the faid County of Devonsbire, have given away all their Tinworks, some of them to their Children, and some of them to other Persons of their Kin and Friends; and some of them have suffered Recoveries to be had against them, to the intent that they would be from henceforth reputed and taken as no Tinners, by mean whereof, they have by that Covin and Craft, dischar-H h h

ged themselves, as well of their Appearance in the Stannary Courts, as also of all other Contributions and Charges, which, by reason of the said Tin-works, they ought to Support and bear, with other Tinners, according to the old Custom of the said Stannaries; and yet that notwithstanding the said Givers, and other Persons against whom such Recoveries were had of the said Tin-works, have all Times after such Gifts and Recoveries had and made, taken thereof the Issues and Profits to their own Use.

I

Wherefore be it affirmed and enacted from henceforth, by Authority of this present Court, that as well all such Person or Persons that before this, or now, be seized, or that hereafter shall be seized of, and in any Tin-work, or Part of any Tinwork, be it of Estate in Fee-Simple, Fee-Tail, or for Term of Life or Lives, that have made, or hereafter shall make any Gift or Leafe, of all his, or their, whole Tin-work or Tinworks, to any of their faid Children, or to any other Person or Persons, to his or their Use, or have, or hereafter shall, suffer any fuch Recoveries to their Use, or to the Use of their said Givers, hereafter do (of the said Tin-work or Tin-works, or of any Part of them) take any Issues and Profits, or any other annual Rent and Profit, by any fuch Colour, to his own Ufe, from henceforth he,or they are to be reputed and taken for Tinners, as if no fuch Gift, Recovery, or Leafe had been made, and to bear their Contributions and Charges amongst other Tinners of the faid Stannary, according to the old Custom of the same. And if any Surmife, or Complaint, be made to the Lord Warden of the faid Stannary for the Time being, or to his Deputy or Steward of the same Stannary, or Knowledge he had or mini-fired to the Officers of any such Person or Persons, that so doth take the Issues and Profits of any such Tin-work or Tin-works, or Part thereof, or thereof hath the Use, and denieth him to be taken and reputed as a Tinner, that then the faid Lord Warden, his Deputy, or Steward of the faid Stannary Courts, shall have Authority to award a Precept of Scire Facias against the Party upon whom any fuch Surmise, Complaint, or other Knowledge shall be had or made, commanding him by the same, to appear at the next Tin Court (wherein the Party then shall dwell) before the Lord Warden, his Deputy, or Steward, then to be holden; at which Day if he do appear in the one Tin Court, the Truth thereof to be tried by the other, or other, of the faid Person or Persons, that shall be called in by the faid Scire Facias, whether he, or they, fo called, do take the Issues and Profits of the same Tin-work or Tin-works, or any other Person or Persons, to his or their Use, or of any Part of them, or else that any other Person or Persons do thereof stand and be seized to his or their Use; and if the faid Party, after he is returned warned, do make Default, that then his or their Default, in the same Court to be, recorded

recorded, and after that, the faid Party or Parties shall be still accepted and taken for a Tinner or Tinners, till any such Perfon or Persons, will, of their own free Will, come into the said Court and Discharge themselves by his or their Oaths, in Form aforesaid; and if any Person from henceforth, after any such Oath made, do again accept and take any Issues and Profits of such Tin-work or Tin-works, then upon due Information, Proof, or Knowledge had or made to the said Officers in Form aforesaid, in any Court of the Stannaries, within the Jurisdiction whereof any such Tin-works lie or shall be, that they or any of them doth, or so shall, take any Issues and Profits, that like Process be estsoone made against the said Parties, and like Order and Oath to be had in Form aforesaid.

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Provided always, that if it happen any fuch Tinner or Tinners, which hath or will give away his or their faid Tin-work or Tin-works, and faith or deposeth, that he or they taketh no Profit to his or their own Use, nor that any other Person or Persons, stand seized to his or their Use, and he will be reputed and taken as no Tinner or Tinners, as is before mentioned, that then it shall be lawful to all other Tinners to Sue and be at Liberty, against any such Person or Persons, that so denieth to be a l'inner or Tinners, in Form aforesaid, in any other Place out of the four Stannary Courts, unto fuch Time that all fuch Person or Persons which so denieth to be Tinner or Tinners in Form aforesaid, happen to be a Tinner again, and also enter his or their Name or Names into the Steward's Roll, or Book of Record in the same Stannary Court, whereas any fuch Person then shall happen to dwell, and at the same Tin Court to Cause the Steward or his Deputy, for the Time being, to proclaim him or them, as a Tinner or Tinners again, any fuch Custom or Statute made, used, or provided to the contrary in any wife notwithstanding.

Also be it affirmed and enacted, that no Person or Persons, from henceforth, take away any Tin gathered in any Tinwork, wheresoever it be found, from the Owner or Owners, or other Occupiers of the said Tin-work or Tin-works, which have born, or hereafter shall bear, the Cost and Charge of the gathering and working of the same, but the said Person or Persons, so claiming the said Tin or Tin-works, may lawfully Cause the said Owner or Owners, Occupier or Occupiers, to be attached by the said Tin so gathered, wheresoever it be found, upon a Plaint by the said Claim, to be affirmed against the said Person or Persons, that so hath gathered the said Tin, in the same Stannary Court wherein the said Tin-work or Tin-works, and the same Tin so to be gathered, lieth or shall lie; and thereupon the said Owner or Owners, or other Occupier or Occupiers, of the same Tin-work or Tin-work or Tin-works or Occupiers, of the same Tin-work or Tin-work or Tin-work or Occupiers, of the same Tin-work or Tin-work or Tin-work or Occupiers, of the same Tin-work or Tin-work or Tin-work or Occupiers, of the same Tin-work or Tin-work or Occupiers, of the same Tin-work or Tin-work or Occupiers, of the same Tin-work or Occupiers, of the same Tin-work or Tin-work

works, that he so attached by their faid Tin, shall find sufficient Sureties to the Bailiff, or his Deputy, by whom the faid Attachment shall be so made, or by his Deputy, or any other, by the Steward of the same Court, being limited whereas the faid Tin is gathered, according to the Law and Custom of the faid Stannary, to answer the faid Claimer at the next Tin-Court holden next after the faid Attachment fo had and made, within the which Court, whereas the faid Tin-work or Tinworks, so in variance, lieth or shall lie, and after the said Surety found, the said Tinner so attached to be delivered to the faid Person or Persons so attached. And if any Person or Persons from henceforth, with Force, or otherwise, take away any Tin fo gathered, and hath born no Charges for the Working thereof, as is above rehearfed, that then the faid Person or Persons so taking away the said Tin, after due Proof of the Party or Parties so offending, before the said Lord Warden, his Deputy, or Steward; he or they so offending, shall be committed to the Prison of Lidforde, and there to remain till he make Fine with the Lord Warden, his Deputy, or Steward; and if the faid taking away of any fuch Tin be found as is before expressed, by Verdict of twelve Men, at any Law Court there holden after, at the Suit or Complaint of the Party grieved, then he that fo taketh away any fuch Tin, shall fall in the Penalty of 40 l. the one half thereof to our Sovereign Lord the King, or Prince, when it shall please God to fend us a Prince, and the other to the Party fo grieved; and for Execution thereof, a Precept of a Fieri Facias to be awarded, as well for our Sovereign Lord the King, or Prince, as for the Party Complainant and grieved.

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Provided always, that if there be from henceforth, any Action commenced against any Person or Persons, by vertue of this present Act and Statute, that then the Defendant or Defendants, to have one Court Day, to imparol, to make his or their Answer, and if the said Defendant and Defendants, will pitch to have, and there at the next Court after, to make him or them, answer at his or their Peril without delay.

V.

Also be it assirm'd and enacted, that if any Person or Persons, be taken by his Body, at the Suit of any Party, upon any Plaint or Plaints commenced in any of the said four Stannary Courts, and the said Party, at whose Suit he or they, which shall be so taken and imprison'd at Lydforde, be afterwards Nonsuit in his or their said Action or Actions, that then the said Party or Parties, so being nonsuit in his, or their, said Action or Actions, shall yield and pay such Costs and Damages to the said Person, or Persons, so taken and imprison'd, as shall be adjudged and deemed by the Lord Warden, his De-

puty, or Steward for the time being, and a Fieri Facias to be awarded for the levying of the same, to the use of the Parry so to be imprisoned, upon a Precept of Return made by the Bailiff at the Day of Return of the same, that the Party so being nonsuit, had no Goods nor Chattels whereof he might or shall make Execution by the faid Fieri Facias, that then a Precept of Capias, to be awarded by the Court, to attach the Body of the faid Person so being nonsuit, and the Day of Return where if the same Party by the said Capias, be brought into the Court, or otherwise in proper Person do appear, then he to pay the faid Costs and Damages, or else to be committed to the Prison of Lydforde, there to remain till he or they have paid it

Also be it affirmed and enacted, that if any Person or Perfons, from henceforth take away any black Tin, or Tin-Stones, out of any Tin-work, or any other Place, by Night or by Day, without he or they, which taketh away any fuch Tin, or Tin Stones, do the Owner or Owners, or his or their Partners, or his or their Workmen (which have born the Charges of the Working of the same, being Owners of the same Tin-work) to Knowledge thereof, which have born the Costs and Charges of the Working of the fame Tin with him or them, or their Spalliars of the same Tin-work, which hereafter shall Work and gather the same Tin; that then he or they, so of-fending, if it may be duly proved before the Lord Warden, his Deputy, or Steward for the Time being, by Examination in open Court, or by Way of Action tried and condemned, or by Presentment and Verdict of twelve Men at the Law Court of the Part of this Stannary wherein the faid Tin-work lieth, that then the faid Actis repealed. Offender or Offenders, by the faid Lord Warden, his Deputy, Art. 27. or Steward, to be committed to the Prison of Lidforde, unless he or they so offending, can find sufficient Sureties to Pay, or Recompence, the Party or Parties grieved, for his or their Tin fo taken away; and also to make Fine with the Lord Warden, his Deputy, or Steward, for his or their untrue Demeanor and Offence; whereof the one half shall be to our Sovereign Lord the King or Prince, and the other half to the Use of the whole Body of the Stannary, being Tinners.

Also be it affirmed and enacted from henceforth, that if any Person or Persons, do make any unlawful Labour to any Invid. Trials
quest Sworn in any of the four Stannary Courts, or do Meper Pais. Fol. nace or Threaten them, or any of them, to pass with the one 434. Tit. Party or the other, or promise them any Money, or other Reward, to give their Verdict, that then the said Person or Perfons so making the said unlawful Labour, or menacing or threatning the faid Inquest, or promising them any Money or

Reward unlawfully, for giving of their faid Verdict of twelve Men at the Law-day, by the great Inquest, or by the Verdict of twelve Men, at the Suit of the Party grieved, that then the said Imbracers or Offenders, so offending, shall be committed to the Prison of Lidsorde, there to remain until such Time that he, or they, so offending, contrary to the Provision of this Statute, have made a Fine for the same with the Lord Warden, or his Deputy, or Steward for the Time being; and besides that, if it be sound by Verdict of twelve Men, at the Suit of the Party grieved, by Action of the same Imbracery, and unlawful Labour, and that Process of a Capias for his Body, or a Fieri Facias for his Goods to be awarded, at the Election of the Party that shall be so grieved, as well for Satisfaction of the King or Prince, as for the Satisfaction of the same Party grieved.

VIII.

Provided always that all such Persons as be, or hereafter shall be Parties to any Action, sued by them, or any of them, or against them, or any of them, in any of the said Stannary Courts, whereupon the said Parties be, or shall be, at Issue; and all such other Persons as then have any Interest, Right or Title to the thing in Demand or Variance, or their lawful Solicitors, may well and lawful Labour the said Inquests to appear, and to give their Verdict according to such Evidence as shall be given unto them, according to their Conscience, and not otherwise.

IX.

Also be it affirmed and enacted, that whereas divers Persons being Owners and Partners, which be now feized, or hereafter shall be seized, jointly together, of and in any Tin-work or Tin-works, and if the whole Title of the same Tin-work or Tin-works be, or shall be, in Variance, and if any of the faid Owners and Partners, from henceforth do refuse to support and bear fuch Manner of Charges and Expences in the Law, with his or their Partners of the same Tin-work so in Variance, according to their Portion and Parts as they, and every of them have, or hereafter shall have, in the same Tin-work or Tinworks, of, for, and about the Suit and Trial of the Title of the same Tin-work or Tin-works, so being in Variance, or hereafter shall be in Variance, if he, or they, be required thereto by his Partner or Partners of the same Tin-work, that then he or they, that so will refuse to bear, and pay his, or their Part or Parts, according to his, or their Portion, or Portions, of the fame Tin-work, indifferently charged not to receive or take any Profit of his or their Part or Parts of the same Work so being in Variance, until fuch Time he or they, have paid his or their faid Costs and Charges, for the Harm to him or their faid Fellow now being, or hereafter shall be Owner or Owners, Partner or Partners, with him or them, of the fame Tin-work

or Tin-works, which is or shall be in Variance, according to the old Custom of the Stannary.

Also be it affirmed and enacted, that if any Person or Perfons being now peaceably feized of, and in any Tin-work, or Part of any Tin-work, in the County of Devonshire, at this present Great Court holden at Crockerent orre, and so continued to Michaelmas Coinage, peaceably seized without Claim or Title made in open Court, by any Person or Persons to the fame, and entered in a Book or Roll, that shall hereafter be appointed, and remain in the faid Court of Record, within the Jurisdiction of which Court the said Tin is, or lieth, he or they that so have continued peaceably their Possession in any such Tin-work or Tin-works, thall have the faid Tin-work, or Part of the said Tin-works, to them and to their Heirs in Fee for ever, according to the Custom of the Stannary.

Provided always, that this Act extend not, nor be prejudicial to any Woman Covert, Infant within the Age of fixteen Years, any Person being out of the Realm, or being in Prison, or being Lunatick, or out of his Mind; fo that any of the faid Perfons (that is to fay) that Women Covert after the Decease of their Husbands, within the Space of two Years, and their Heirs, and the faid Persons so imprisoned within the Space of two Years after they be at their Liberty of their faid Impri-forment; and the faid Persons being out of this Realm, and having no Knowledge of this Act within like Space of two Years, or lacking Knowledge thereof, within the Space of one Year, after his or their coming into England, or any of the Heirs of the said Person or Persons, after Title to him, or them given, by the Death of his or their Ancestors, within one Year then next following, if any of the said Persons before excepted, die within the said two Years, do make their Claim by Action in any of the faid Stannary Courts whereas any of the faid Tin-works lie.

XII.

Also forasmuch by Occasion of Evidence given by corrupt and untrue Witnesses, to Inquests Sworn within the four Stannary Courts, between Party and Parties, untrue Verdicts have vide Stat. 5. been given, to the great hurt and prejudice of many Tinners. Eliz. cap. 9.
Wherefore be it enacted and affirmed, that from henceforth, if 40 l. and imany Person or Persons, give any false Evidence, and commit prisonment for Perjury in his Evidence given, in any of the said Stannary Courts, to any Inquest or Inquests, Sworn between Party and The Stannary Party; and if he or they that shall give any such false Evi- Courts are dence, and commit Perjury, be found Culpable and Guilty by Vid. 3 Inft. Verdict of twelve Men at a Law Court in the same Stannary Fol. 163. Court, whereas the fame false Evidence and Perjury shall be committed,

3

committed, that then he, or they, that so shall offend, shall be committed to the Prison of Lidforde, there to remain until such Time that he or they can find sufficient Sureties to make Fine with the Lord Warden, his Deputy, or Steward for the Time, to the Use of our Sovereign Lord the King, having no Prince, and when it shall please God to send us a Prince, to the Lord Prince.

XIII.

Also be it affirmed and enacted, that all Statutes and Acts made at this present Great Court before this Time, and annulled, to stand in their full Strength and Force, and that a Fieri Facias shall be awarded as well upon every of the said Statutes now standing in their Force, as also upon all such Statutes and Acts, as now be made at this present Great Court or Parliament, holden and kept at Crockerentorre aforesaid.

Devon

DEvon' Magna Curia Domini Regis Ducatus sui Cornubiæ tent' apud Crockerentorre in Com' Devon' prædicto coram Joh' Charles Armigero, locum Tenente Joh'is, Comitis Bedford, Custod' Stannar' dicti Domini Regis in præd' Comitatu Devon' vicesimo sexto die Martii, Anno Regni Edwardi sexti, Dei Gratia Angliæ Franciæ & Hiberniæ Regis, Fidei Desensoris, ac in terra Ecclesiæ Anglican' & Hiberniæ supremi Capitis Sexto.

The Names of the Jurates in the Stannary Court of Chaggeforde,

George Burgin.
Richard Waverell.
William Knapman, Scn.
John Newcombe.
John Pincent.
William Knapman, Jun.
Harry Wyll.
Robert Foxford.
Augustus Noseworthy.
John Waverell, al's Voisei.
John Estbroke, al's Shylston.
John Martin.

Nicholas Cleyff.
Richard Loskey.
Andrew Smardon.
John Perriman.
William Trend.
John Smith.
John Westcote.
William Ayshe.
John Balle.
John Coyshe.
Galfridus Christopher.
Pancaratius Shere.

Jurates in the Stannary Court of Aysburton.

William Burgin.
Christopher Warren.
Thomas Hamlin.
Richard Tayler.
John Foxford.
John Stydson.
John Horseham.
John Widecombe.
John Debyll.
John Seyger.
Lawrence Withcombe.
William Hole.

Richard Langworthy.
Thomas Beckforde.
James Maddicke.
Edward Hanworthy.
Walter Stephen.
Peter King:
Thomas Peers.
Richard Hamlyn.
William Wotton, al's Bile.
Quirinus Rowge.
William Tollande.
Richard Maye.

Jurates in the Stannary Court of Plymton.

Philip Hawton. Walter Elford. John Luscombe. John Advent. Thomas Forde. Walter Rowe. John Worth. Philip Forde. William Hengston. Mighell Edgcombe. Hugh Crocker. William Stoddestin.

Francis Chappel. John Rosedew. Richard Brokin, Jun. Richard Holborton. John Windeal. John Foster. Richard Abbot. John Baker de Terre. Henry Hanger. John Elforde. Richard Brokin, Sen. Richard Winston.

William Burges.

Jurates in the Stannary Court of Tavistock.

Henry Langsford. John Furlong of Tamerton. John Badge. Robert Ebbisworthy. John Peterfeilde. Thomas Alwill. Roger Gyll. Henry Willey. Richard Langsford de Brat-William Gey.

John Fotte, Jun.

John Tucker. Randal Eston. John Talbot de Walkhampton. John Hanworthy. tobn Horewell de Lidforde. John Sleman. John Rowe de Cholemill. John Watts de Beare. John Richard. Nicholas Lugger, Jun. John Broverdson de Surton. John Fott, Sen. de Bucland.

Qui quidem Jurati fit ut prefectur electi jurati & Trini ex affenfu & confensu omnium Stannatorum in prædicto Comitatu Devon' Enactant' affirmant Ordinant Statuunt & per presentes Stabiliunt quod tam omnia Statua nunc de novo facta, quam omnia alia Statua ante hæc tempora ibidem facta & affirmata præter illa Statua que nunc in ista curia & in aliis curiis ibidem ante a Tentis adhihilantur & evacuantur omnino imposterum permaneant in vigoribus suis & effectis ut plenius inferius patebit.

· Whereas much hard and evil Tin hath been heretofore fundry Times made and coined within the Stannary of Devon, without the Letter H fet upon the same, notwithstanding the Statute thereof provided, not only to the great Slander of the Stannary, but also to the great loss and hindrance of Merchants and other Persons that have bought and occupied the same, which is

manifestly known to rife and grow by crafty, and subtle blowing of Sinder Tin with Pyte and Culm, without the which kind of Blowing of Sinder Tin, no hard, or evil Tin, can be made, nor the Owners thereof might have of fuch Sinder, but little or no Fruit of Advantage.

For Redress and Reformation whereof, be it affirmed, enacted, and ordained at this present Court, that all Tin hereafter blown, or to be blown, upon the Flote, after the customable Course and Manner of blowing of black Tin, being not mixed with hard Tin, be always reputed and taken to all Intendments, for good and pure Tin. And that all Tin hereafter blown, or to be blown Smelting Houwith a Pyte, or a short Float, after the customable Course and fer. Manner of blowing of Sinder Tin, whether it be mixed with other Tin or not, be always reputed and taken to all Intendments. for hard Tin, and that the Letter H be fet upon the same before it be coined, upon Pain of Forfeiture of the fame to the Lord Prince, and in default of a Prince, to our Sovereign Lord the King, if it be found by verdict of 12 Men at a Law Day. And further, if it happen hereafter any fuch hard Tin to be coined before the Letter H be fet upon the fame, and fo put to Sale, or worse Metal to be cover'd and hid within the same hard Tin. other than the kind or nature of the fame, shall cast and bear in himself, or worse Metal, than good Tin, to be cover'd and hid by Falsehood and Deceit within any other Piece of Tin having not the Letter H, and so coined and put to Sale, then if upon Complaint of the Buyer thereof, if it be found by verdict of 12 Men at a Law Day, and prov'd by the View and Melting of the fame Tin, or Part thereof, in open Court, being brought before the great Inquest then and there sworn for the King, with all the Marks of the same upon one Piece, not melted nor broken, within the Jurisdiction of which Court the same Tin was made, that then the first Owner or Owners of the same Tin, shall not only forfeit the Value of the same Tin to the Lord Prince for the Time being, and for lack of a Prince, then to our Sovereign Lord the King, but also shall forseit for every such false Piece of Tin, 10 1. the one half thereof to the Lord Prince, and the other half, to fuch Person or Persons, being the Buyer or Buyers, of the fame, as shall complain and make Suit at a Law Day for the same, be it by Bill, Information, or otherwise, and a Fieri Facias to be awarded for the same, as upon other Penal And also the Blower or Blowers of the same Tin, to be fet openly on the Pillory on a Market Day, or a Law Day, by the Space of fix Hours, for his or their untrue Demeanor, in attempting any thing contrary to this Act; and if the faid Blower or Blowers, do after that again likewise offend contrary to this Act, that then the faid Blower or Blowers, to incur such Punishment as shall seem to the Lord Warden, or his Deputy, most meet or convenient, and upon Complaint made by the Mer-

chant or Buyer, of any Piece of Tin, to be hard Tin, and the same afterwards in open Court, and in the Presence of the great Inquest, melted and proved good, then the said Merchant, or Buyer, shall forfeit for every such Piece sound good, to 1. the one Moiety thereof, to the Lord Prince (and for lack of a Prince, to the King's Majesty) and the other Moiety to him that doth sue for it, and process thereof to be made as aforesaid.

III.

Also be it affirmed and enacted, that if any Merchant, or other Person hereafter, buy any Tin, and after that the said Tin be found to be falsely made, contrary to the said Act, and that notwithstanding the Merchant or Buyer, and the first Owner of the same by privy Contracts, Payments, or otherwise between them, conceal the untrue making thereof, whereby condign Punishment cannot be done and ministered to such Offenders, according to the said Statute, if it be found by verdict of 12 Men at a Law Day, that then they both shall fall every of them, in in the Penalty of 10 L for every Piece of Tin so concealed, the one half thereof to our Sovereign Lord the King (and to the Lord Prince when God shall send us a Prince) and the other half to him that will complain, or sue for the same, by Bill, Information, or otherwise.

IV

Also be it affirmed and enacted, that the Act made at Crockerentorre, the 24th Day of September, in the Second Year of the
famous King Henry VIII. of, for, and concerning Sinder Tin and
hard Tin, and also that the Act made at Crockerentorre aforesaid,
the same 24th of September, the Year above written, of, for, and
concerning Tin not Merchantable, every of the said two Acts,
and all thing and things in every of them contained, be from
henceforth utterly void, and of no Force or Strength.

V

Also be it affirmed and enacted, that no Person or Persons, shall sell, or put to Sale, any Manner of white Tin made, or cast into Slabbs, Blocks, or Shocks, before it be coined, upon Pain of Forseiture of the said Tin, in Manner and Form aforesaid, any Act heretofore made to the contrary notwithstanding, and both the Seller and Buyer to forseit every of them 40 s. for every Slabb, Block and Shock so bought and sold, if it be found by verdict of 12 Men at a Law Day, the one half thereof to the Lord Prince, when God shall send us a Prince, and for lack of a Prince, then to our Sovereign Lord the King, in Manner and Form as is aforesaid; and the other half to the Party that will sue or make complaint for the same, by Bill, Information or otherwise.

Item. Whereas it hath been heretofore of late Days used in every of the four Stannary Courts, after Issue joined in any Action or Suit between Party and Party, that the Plaintiff shall nominate twelve of the Jurors to whom he list, and the Desendant other twelve, to try that Issue, whereby poor Men be not only oppressed by Rich, but all the Officers cannot do Justice according to Right and Equity, by reason of the said evil Usage.

VI.

Wherefore be it affirmed and enacted, that from henceforth, upon every Venire Facias awarded, after Issue joined in any of the faid Stannary Courts, that the Bailiff of the Court for the Time being, or the Foster of the Quarter, if the Bailiff be challenged by his Oath, then, and there, in open Court taken, shall immediately return and nominate to the Steward, twenty four honest and indifferent Tinners according to the Tenour and Effect of his Writ or Precept, taking of the Plaintiff for every Return for his Fee fo made, 3 s. 4 d. and no more; which twenty four Persons so returned, the Bailiff of the Court, or Foster, that so make the Return, shall Summon and Warn to appear at the next Tin Court there to be holden, at which Court, if any of the Jurors do make Default being warned, then he to forfeit to our Sovereign Lord the King, and to the Lord Prince, when God shall send us a Prince 12 d. Islues. And at the fame Court, if a full Jury do not appear, or else after Appearance of a full Jury, by Challenge of any of the Parties, the Jury is like to remain untaken for Default of Jurors, that then the Lord Warden, his Deputy, or Steward of the Court for the Time being, upon Request made by the Party Plaintiff, or by the Defendant, in the Default of the Plaintiff, shall have Authority, by Virtue of this Act, to command the Bailiff or the Foster, as aforesaid, of the Stannary Court for the Time being, by his Oath then and there to be taken, to Return, Name, and Appoint, as often as need shall require, so many of such other able indifferent Tinners then being present in the said Stannary Court, as shall make up a full Jury, which Persons so to be named and impannelled by fuch Bailiff or Foster, shall be added to the former Pannel, and their Names annexed to the fame; and the Lord Warden, his Deputy, or Steward of the Court for the Time being, shall and may proceed to the Trial of every such listue, with those Persons that were before impannelled, and with these newly added to the said former Pannel, by Vertue of this Act, in such wise as they might, or ought to have done, if all the Jurors had been impanelled upon the Venire Facias awarded to try the faid Issue; and that every fuch Trial had, after the making of this Act, shall be as good and effectual to all Intents, Constructions, and Purposes, as if such Trial had been had and tried by twelve of the Jurors, impanelled and returned upon the Venire Facias awarded to try fuch Issue; and in Case such Persons as the said Bailiff or Foster, shall name or appoint, as is aforesaid, or any of them, after they shall be called, be present, and do not appear, or after his or their Appearance, do wilfully withdraw him or themselves from the Presence of the Court, that then the Lord Warden, his Deputy, or Steward, for the Time being, shall and may set 3 s. 4 d. Fine upon every such Juror making Default, or wilfully withdrawing himself as is aforefaid, the faid Fine to be levied in fuch Manner and Form by the Bailiff of the Stannary Court, as other Amerciaments of the faid Court have been heretofore levied, and fo the Issue shall be tried at the same Court without further delay, and every of the twelve Men that be Sworn shall have 12 d. a piece of the Parties, for, and towards his Journey for that Days Labour, the fame Money to be levied and parted openly in the Face of the Court to the Jurors, immediately when they have given their Verdict, or before the Verdict, if the Matter or Action, shall be otherwise ended, or else for Default of Payment of the said Money, to be committed to Lidforde, there to remain until he hath paid the Jurors their faid Money; and if the Bailiff of the faid Court, or Foster, as aforefaid, do not give Warning to the twenty four that hath first returned, and to every of them, then he to pay his or their Issues, that so make Default, being not warned. And that by Vertue of this Act it shall be lawful both for Plaintiff and Defendant to take their Challenge to the Array, and to the Polls, as well of them that be first returned, as of them that be so named, added, and annexed to the former Pannel by the faid Bailiff or Foster; and that from henceforth, after Issue joined, the Plaintiff nor the Defendant shall cast no Essoyne, any Act heretofore made, or Custom in the Stannary used to the contrary, notwithstanding.

VII

Provided alway, and be it affirmed and enacted, that if it happen the Bailiff and the Array to be challenged by any of the Parties, and thereupon the Array be quashed, that then the Bailiff to repay unto the Plaintiff the Sum of 3 s. 4 d. which he before received for the making of the Return of the said Jury, as is aforesaid; and that at the same Court there be a Venire Facias directed to the Foster of the same Quarter, to make Return for the said Matter as aforesaid, at the next Court then following, and then to proceed therein as before.

VIII

Also be it assirted and enacted, that if any Person or Persons at any Time hereafter, make any unlawful Labour to any Bailiff of the Stannary Court, or Foster, for or concerning any Return by him to be made and impannelled between Party and Party, or give, or promise him, or any other Persons

fon or Persons, to his Use and Behoof, any manner of Gift, Reward, or Portion of Money for the same, or to be left out of any Return hereafter to be made in the Stannary Court, or give or promise any manner of Gift, Reward, or portion of Vid. Trials any Money to any Man that by the Bailiff or Foster, shall be 15. Tit. returned in any Jury, whether it be before the making of the Embroc'. faid Return, or after, for to have Friendship or Favour in his or their Matter, other than fuch Portion of Money as to them is limited for their Labour at this present Court; or if any Person or Persons at any Time hereafter commit any wilfull Perjury, or procure any wilful Perjury to be committed in any of the four Stannary Courts, that then he that so la-boureth, the said Bailiff, or Foster, or Juror, that so taketh any fuch Gift, Reward, Promise, or Portion of Money, and he that so committeth, or procureth wilful Perjury, as is afore-faid, every of them so offending, if it be found by Verdict of twelve Men at a Law Court, shall be committed to the Prison of Lidforde, there to remain till such Time as he or they can find sufficient Sureties to make Fine with the Lord Warden, his Deputy, or Steward, to the Use of our Sovereign Lord the King, having no Prince, and to the Lord Prince, when God shall send us a Prince; and besides that, if it be found by Verdict of twelve Men at the Suit of the Party grieved, that then every of them so offending, shall fall in the Penalty of 20 l. the one half thereof to our Sovereign Lord the King, or Prince, when God shall send us a Prince, and the other, to the Party grieved, and a Fieri Facias for his or their Goods, or a Capias for his or their Bodies to be awarded, as well for Satisfaction of our faid Sovereign Lord the King, or Prince, as for the Party grieved.

Also be it affirmed and enacted, that where fundry Tinworks, and fundry Parts of Tin-works within the Stannary of Devon, hereafter to be named or contained upon one Letter of Attorney, if Livery pass in one of the said Tin-works, or Part of the same Tin-works, it shall from henceforth enure, and be a good, fure, and fufficient Livery for all the Residue named, or to be named, or contained in the fame Letter of Attorney, in as large and ample Manner as though Livery had paffed in every one of the faid Tin-works, or in every Part so named, or to be named, or contained, by every Owner of the faid Part or Parts at the Time of the faid Livery, any Act heretofore made to the contrary notwithstanding. And that where any Person is or shall be seized of divers and fundry Tin-works, or Parts of Tin-works, and will depart Co. Lit. from them all by Letter of Attorney, if Rehearfal be made Sect. 418; upon the Letter of Attorney, of the Name of one or certain of his faid Works, and the rest by general Words of all his Tinworks, or Parts of Tin-works in the County of Devonshire, it

shall be as good, sure, and effectual in the Law, to all Intents, Constructions, and Purposes, as though special Recital of every Tin-work, or Part of every such sin-work, had been made upon the same; and that likewise Livery made of and in any Part or Parcel of the same, to be as good, sufficient, and effectual in the Law, for the whole, as though Livery had passed severally in every Part and Parcel thereof, as is abovesaid. And that all Gifts and Bequests of sundry Tin-work or linworks, be it by general Words as is aforesaid, or otherwise by Testament hereafter made, or to be made, to any Person or Persons, although the Executor or Executors of the same Testament resule to prove the same, be always good, sure, sufficient, and available in the Law, according to the said Testament, any Statute, Law, or Custom heretofore had, or made to the contrary, notwithstanding.

X.

Also be it affirmed and enacted, that no Demurrer in the Law, upon any Cause, Action, or Demand, from henceforth be allowed or admitted in any of the sour Stannary Courts in the County of Devon.

No Demurrer is meant for want of Form, but for Matter it may. Vid. Jurisdiction of Courts in the Stannaries of Cornwal. Fol. 142.

XI.

Also be it affirmed and enacted, that no Person or Persons from henceforth, commence any Action in any of the four Stannary Courts, except it be for the entring into any Tinwork or Tin-works, but only within fuch Court, within the Jurisdiction of which Court, the Party Plaintiff, or Plaintiffs, and Defendant or Defendants, or one of them, shall Inhabit and Dwell at the Time of the Commencement of the same Action, upon pain to forfeit and pay to the Party Defendant or Defendants 10 s. of lawful Money of England, for every fuch Action commenced, or to be commenced, if the Party Defendant or Defendants, at his or their Appearance, will Demand and Sue for the same, and Execution to be awarded for the fame, according to the Laws and Customs of the Stannary, and the Plaintiffs to lofe his or their faid Action or Actions, any Law or Custom heretofore used to the contrary, notwithstanding.

XII.

Also where before this Time divers seigned Actions have been prosecuted in the Stannary Courts, whereunto the Defendants have been forced to appear, and join the same to a Country, and the said Actions so joined to a Country, the Plaintiss have suffered the same to be and depend in the Courts, not continued of a long Space, until such Time as

the said Plaintiff hath watched his Advantage, or the Absence of the said Defendant, and then proceed in the same, in the Default of the said Defendant not being warned thereof, constrary to all Right, Equity, and good Conscience.

ment, and was to bold upon IIIX

Wherefore be it affirmed and enacted, that if any Perlon or Perlons from henceforth shall commence any manner of Action in any of the four Stannary Courts, whereunto the Defendant appeareth, and doth join unto a Country, if the said Plaintiff suffer the said Matter so pleaded to a Country, to remain, and do not proceed and set forth his Suit within four Courts next following, that then his said Action utterly to be void and discontinued, as though it had never been pleaded.

Let de boc ponit se super Patriam, by the Defendant, or, Et vide Trials de boc petit quod inquiratur per Patriam by the Plaintiff, then per Pais. Fo. it is said they have put themseves upon the Country, which 361. Formality of Words are required, without which, no listue is said to be joined, and this is what may be said doth join unto a Country.

XIV

Also be it affirmed and enacted, that in all Actions commenced in any of the four Stannary Courts, whereupon the Damages is not declared above the Sum of five Pounds, except it be in an Action of Trespass for entring into any Tin-work or Tinworks, and the Party Defendant will put the same to the Trial of the Country, then there shall be at the next Court then following, four honest indifferent Tinners returned, appointed, and taken up in the Face of the Court, by the Bailiff for the Time being, by an Oath openly in the faid Court to him to be administered, to try the faid lifue, and there to be charged upon an Oath by the Steward, for the Trial of the same Matter, and to give Verdict therein, and affess Damages and Costs according to the Order of the Laws of the Stannaries; whereupon all principal Challenges are to be allowed, and others to be returned as afore, in their Stead, by the Bailiff, and if he be challenged, then by the Steward for the Time being, and the Steward to have for his Precept to the Bailiff 4 d. and the Bailiff for his Return 4 d.

I conceive the Article above is not warranted by Law, Cro. 2. Part touching the Return of four Tinners to try the Issue above 357. mentioned, and Allegation that is done, fecundum Confuetudinem cannot help it, for no Custom can help that which is against Common Law.

Judgment out of an inferior Court was reversed, because vent. 113.

Damages was affested but by two, and Custom alledged to Warrant it.

And

Cro. 1, Part 255. Trials per Pais. Ch. 6. Fo. 83.

And it was resolved, that there cannot be less than twelve, though the Writ of Enquiry saith only, per Sacramentum proborum & legalium bominum, &c. And such Customs are against Law, unless in Wales, which are permitted by Parliament, and was so held upon a Judgment in Cornwal, because the Trial was but by six adjudged, that it was Erroneous, though returned, secundum Consuetudinem in ibidem ante, &c. for such Customs are against Law.

All Issues joined between Party and Party, in any Court of Record, must be Tried by twelve free and lawful Men of the Visne, that be not of Affinity to none of the Parties.

Et Vide Char. Ed. I. arrestentur & in prisona nostra de Lost-

ch. 7. Fo. 11. Et non alibi Custodiantur & detinentur quosq; secundum legem.

Et Consuetudinem Regni Nostri deliberentur.

Also forasmuch as many Pitchers of sundry Tin-works have been heretofore entered into the Court Rolls, or Books of Record, notwithstanding that many of them have been some Time lawfully proved by their old Owners, or the Keepers, according to the Statute thereof provided, yet always the same Pitchers remain in the said Books as Matter of Record, and no Record of Writing to the contrary, which in Process of Time may be a very great Occasion of much Controversy and Strife.

XV.

Be it therefore affirmed and enacted, that if there be any Tin-work or Tin-works, hereafter Pitcht by any Person or Persons, as a Work Alay, and the Owner or Owners, or Keeper of every fuch Tin-work fo Pitcht, do prove the same Work kept according to the Statute thereof made and provided, or that the Pitcher of any Work pitched, do Release his Pitch, that then the faid Owner or Owners, or their Keepers, or one of them, shall cause the Steward for the Time being, within fix Months next after the Day of the entring of the faid Pitch, to enter the faid Proof or Release into his Book, directly next under the Place of Entry of the faid Pitch of the faid Work fo proved or released, whereby it may there likewife appear and remain as Matter of Record, fo that it be approved fufficiently before the Steward in open Court, by two or three Witnesses Sworn for the same, or by Confession of the Pitcher, or else the said Proof and Release to be void, and the faid Pitch to be good and available, and the Steward in the Day of entring thereof, to proclaim the Proof or Release, in

open Court, and to have for his Labour in that behalf 4 d. and no more; and that it shall be lawful for every such principal Pitcher to Release every such Pitch to the old Owner or Owners, within three Months after the Day of the last Proclamation of the said Pitch, and not after, and at any Place, as well by Word as by Writing.

Also be it affirmed and enacted, that if any Person or Persons hereafter shall be attached by his Goods or Chattles, by Vertue of any Attachment directed out of any of the four Stannary Courts, and thereupon do find Sureties, and do not appear at the next Court after Sureties so found, that then it shall be lawful to the Bailist of the same Court where such Attachment shall be made, to return the same Person or Persons so attached, to a Nichil, any Act or Custom heretofore used in vide the the Stannary to the contrary notwithstanding. Forasmuch as Form and it is most requisite, that the Fees of all manner of Process, and Manner of a ties most requisite, that the Fees of all manner of Process, and Manner of a the pleading of Actions within the Stannary Courts, ought to be apparent to all Suiters there, whereof they have before been in great Ambiguity and Doubt, some paying more and some less.

XVII.

Wherefore be it affirmed and enacted by the Authority of this present Court, that the Steward, or his Deputy for the Time being, shall have from henceforth, for, &c.

A TABLE of FEES.

s. d. FOR every Attachment sued 6 d. and not above For every Capias for the Body 6 d. and not above 0 06 0 06 Far every Scire Facias to call in Proofs or Witnesses, 0 06 wherein is but one Name, 6 d. and not above — So of For every Warrant of the Peace, Supersedeas, and of Recognizance of the Peace, every of them 6 d. -And if there be any more Names in a Scire Facias for calling of Proofs, or Warrant of the Peace, Supersedeas, or Recognizance, then the Suer thereof to pay for every Name 6 d. For every Deliverance but 6d. 0 06 For every Scirc Facias upon the Statute of letting of. Proof, that is to say 6 d. for the said Scire Facias, how many Names soever they be, and I s. 6 d. for 2 00 the Bill of the same Statute to be made of the same Steward

The Laws and Customs of

The we make a man or thought still to the true of the	c	d.
For every Scire Facias upon all other Penal Statutes)	٥.	4.
1 s. 6d. (viz.) 6d. for every Scire Facias, how many		6
Names soever there be	100	117
For the Bill of the same Statute		00
For every Execution	0	00
And for all other Process but	0	06
For the Declaration of any Manner of Action into		06
	0	04
In proper Person: and by Attorney the Party not be	W.	107
In proper Person, and by Attorney, the Party not be-	0	05
For taking of a Day to implead, being in proper Person		
If more Defendants in the said Action being Absent,		UZ
to pay Attorney a Penny for every of the Defen-	0	OF
date to being at Cont		25 6
For the Answer of any Defendant or Defendants he		od
For the Answer of any Defendant or Defendants, be-	0	04
By Attorney, the Party not present	0	05
For the Replication and the Rejoinder laid in the).	in.	1
Court in proper Person, or by Attorney, every of	0	04
them		
For enting of every Condemnation and Judgment,		
every of them	0 1	04
For every Deposition written -	0	04
For every Interrogatory ministred in Court in writing	0	04
For entring of every Surmise upon the Statute of	_	~6
letting of Proofs — — — >	,	00
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	1 (06-
For the Copy of every Bill upon any other Statute -	1	00
	0	
For the Copies of all other Pleas -	0	4

And not above for any of the Matters before mention'd.

The Charter, or first Grant, confirm'd from the Year of King Henry the VIIIth.

Lizabeth Dei Gratia Angliæ Franciæ & Hiberniæ Regina, Fidei Defensor, &c. Omnibus ad quos presentes litere pervenerint falutem inspeximus literas Patentes bone Memoric Domine Mariæ, nuper Reginæ, Angliæ Sororis nostræ precharissime; de confirmatione fact' in hæc verba.

Aria Dei Gratia Angliæ Franciæ & Hiberniæ Regina, Fidei Defensor, &c. Omnibus ad quos præsentes litere pervenerint falutem inspeximus literas Domini Edwardi, nuper Regis Angliæ fexti Fratris nostri fact' in hæc verba.

Dwardus Sextus Dei Gratia Angliæ Franciæ & Hiberniæ Rex, Fidei Defensor, &c. in Terra Ecclesiæ Anglican' & Hiberniæ supremum Caput, omnibus ad quos presentes litere pervenerint falutem inspeximus literas Patentes Domini Edwardi nuper Regis Angliæ primi Progenitor' nostri factas in hæc verba.

Edwardus Dei Gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ, ad Archiepiscopis, Episcopis, Abbatis, Prioribus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Prepositis Ministris, & omnibus Ballivis & Fidelibus suis salutem. Sciatis nos ad emendationem Stannariarum nostrarum in Com' Devon' & ad tranquilitatem & utilitatem Stannatorum nostrorum earundem, Concessisse pro nobis & hæredibus nostris, quod omnes Stannatores præd' operantes in Stannariis sint liberi & quieti de pla'tis Nativorum & de omnibus placitis & quereles curiam nostram & hæredum nostrorum qualitercunque tangentibus; ita quod non respondeant coram aliquibus Justiciariis vel Ministris nostris seu hæredum nostrorum de aliquo Placito seu querela infra præd' Stannarias emergen' nisi coram Custode nostro Stannariarum nostrarum præd' qui protempore fuit exceptis pl'itis Terræ & Vitæ & Membrorum nec recedent ab operationibus suis per summonitionem alicujus Ministro-Life, and rum nostrorum, seu hæredum nostrorum niss per summonitionem Limb, excepted. dicti Custodis nostri, & quod quieti sint de omnibus Tallagiis Theoloniis, Stallagiis, auxiliis Custumis quibuscunque in villis portubus feriis & Mercatis in Comit' præd' de bonis suis propriis Concessimus etiam eisdem Stannatoribus quod fodere possint Stannum & turbas ad Stannum fundendum ubique in terris moris & vastis nostris, & aliorum quorumcunque in Comitatu prædicto & aquas & cursus aquarum ad operationes Stannariarum præd' divertere ubi & quoties opus fuerit; & emere buscam ad functuram Stanni, sicut antiquitus fieri Consuevit, sine impedimento nostri vel hæredum nostrorum Episcoporum, Abbatum, Priorum, Comitum, Baronum, seu aliorum quorumcunque, & quod Custos noster

prædictus vel ejus locum tenens teneat omnia pl'ita inter Stannatures præd' emergentia & etiam inter iplos & alios forinsecos de omnibus trangressionibus querelis & contractibus factis in locis in quibus operantur infra Stannarias præd' similiter emergentia: Et quod idem Custos habeat plenam potestatem ad Stannatores præd' & alios forinfecos in hujusmodi pl'itis Justiciandi, & partibus justitiam faciendi prout justum & hactenus in Stannariis illis fuerit usitatum: Et si qui Stannatorum præd' in aliquo deliquerint per quod incarcerari debeant per Custodem præd' arrestentur & in Prisona nostra de Lydford, & non alibi Custodiantur & detineantur quousque; secundum legem & consuetudinem Regni nostri deliberentur : & si aliqui Stannatorum præd' super aliquo facto infra Comit' præd' non tangen' Stannarias præd' se posuerint in inquisitione patriæ; una Medietas Juratorum inquisitionis hujusmodi sit de Stannatoribus præd' & alia Medietas de fornisecis & de facto totaliter tangente Stannarias præd' fiant inquisitiones ficut hactenus fieri consueverunt; Et si quis corundem Stannatorum fugitivus fuerit vel utlegatus vel aliquod delictum fecerit pro quo Catalla fua amittere debeat, Catalla illa per Custodem præd' & Coronatorem nostrum Comitatus præd' apprecientur & per ipsos proximis villatis liberentur ad Respondendum inde nobis & hæredibus nostris; coram Justiciar itinerantibus in Com præd' volumus in super & sirmiter præcipimus quod totum Stannum, tam album quam nigrum, ubicunque inventum & operatum fuerit in Comitatu præd' ponderetur apud Tavistock, Asperton, vel Chaggeforde, per pondera nostra ad hoc ordinata & lignata sub forisfactur' totius Stanni præd'& quod totum illud Stannum Coignetur in eisdem villis singulis Annis coram Custode præd' ante Diepancti Michaelis in Septemb' sub forisfactur' præd' & concefterus pro nobis & hæredibus nostris quod omnes Stannatores nostri præd' torum Stannum suum sic ponderatum licite vendere possint cuicunque voluerint in villis præd' faciendo inde nobis & hæredibus nostris Coignagium & alias consuetudines debitas & usitatas nisi nos' vel hæredes nostri Stannum illud emere voluerimus; quare volumus & firmiter precipimus pro nobis & hæredibus nostris quod Stannatores nostri præd' habeant omnes libertates liberas confuetudines & quietantias fupradictas, & quod eis fine occasione vel impedimento nostri vel hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu ministrorum nostrorum quorumcunque rationabiliter guadeant & utantur forma præd' his testibus venerabilibus patribus W. Coventr' & Litchfeld' S. Sarum & J. Kerlien, Epifcopis, Henrico de Laci Comite Lincoln', Radulpho de Monte Hermerii Comite Gloucest' & Herts' Humfredo de Bohun Comite de Hereforde Effex, Adomaro de Valentia Hugone le de Spenfer Joh'e de Haftings & aliis Dat' per Manum nostram apud Westmonasterium decimo die April Anno Regni Nostri 33tio.

Nos autem literas prædictas ac omnia & fingula in eifdem contentæ rata habentes & grata, ea pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac dilectis nobis Stannatoribus Stannar' præd' tenore presentium ratificamus & Confirmamus prout litere præd' rationabiliter testantur, in cujus rei testimonium has literas nostras sieri fecinius Patentes Teste meipso apud Westm' vicesimo tertio die Junii Anno Regnio nostri Primo.

Nos autem literas præd' ac omnia & fingula in eisdem contenta rata h'entes & grata ea pro nobis & hæredibus nostris, quantum in nobis est acceptamus & approbamus ac dilectis nobis nunc Stannatoribus Stannar' præd' tenore præsentium ratificamus & confirmamus prout litere præd' in se rationabiliter testantur in cujus rei testimonium has literas nostras sieri fectinus Patentes teste mesipso apud Westmonaster' 30mo die April' Anno Regni nostri primo.

Nos autem literas præd' ac omnio & singula in eisdem contenta rata habentes & grata & ea pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac dilectis nobis nunc Stannatoribus Stannarpræd' tenore presentium ratificamus & Confirmamus prout litere præd' rationabiliter in se testantur in cujus rei testimonium has literas nostras sieri secimus Patentes Teste meipso apud Westm' Decimo die Febr' Anno Regni nostri Primo

W. Lewis.

Taxatur ad iii l.

N. Bacon.

Examinatur per nos,

Ricardum Rede, & Clericos.

A true Copy of the Charter, or Grant, made by King Edward the First, in English.

P. DW ARD by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, and to all Bailiffs, and other his faithful Subjects, Greeting. Know ye, that We, for the Amendment of our Stannaries in the County of Devonsbire, and for the Quiet and Profit of our Tinners aforesaid, have granted for Us and our Heirs, that all Tinners aforesaid, working in those. Stannaries, which are our Demeans, so long as they Work in the same Stannaries, be free and quit from all Pleas of Villany, and from all Pleas and Plaints of our Court, and of our Heirs, in what Manner soever touching, so that they shall not Answer before any our Justices, or Ministers, or of our Heirs, for any Plea or Plaint growing within our Stannaries aforesaid for the time being, (Pleas of Land, Life, and Limb excepted) nor that they depart from their Works by Summons of any of the Officers of us or of our Heirs, but by the Summons of our faid Warden, and that they be quit from all Tollages, Tolls, Stallages, Aids, and other Customs whatsoever, for their own proper Goods in the Towns, Ports, Fairs, and Markets within the County aforesaid. We have granted also to the fame Tinners, that they may Dig Tin, and Turf for melting Tin, every where in our Lands, Moores, and Wastes, and of all other Persons whatsoever in the County aforesaid, and the Waters and Water Courses for the Works of the Stannaries aforesaid, to turn where, and as often, as need shall require, and to buy Bushment for melting of Tin, as of old Time hath been accustomed to be done, without lett of us, or our Heirs, Bishops, Abbots, Priors, Earls, Barons, or other Persons whatfoever, and that our Warden aforesaid, or his Lieutenant, hold all Pleas growing between the Tinners aforesaid, and also between them and other Foreigners of all Trespasses, Plaints, and Contracts (made in Places in which they Work, within the Stannaries aforesaid) likewise arising; and that the same Warden have full Power to justify the Tinners aforesaid, and other Foreigners, in fuch Pleas, and to do Justice to the Parties as right requireth, and as heretofore in those Stannaries hath been accustomed; and if any of the said Tinners in any thing shall offend, whereby they ought to be imprisoned, that they be arrested by the Warden, and in our Prison of Lidforde, and not elsewhere, be kept and detained, until they be delivered according to the Law and Custom of our Realm; and if any of the Tinners aforesaid, upon any Fact within the Court aforesaid, not touching the aforesaid Stannaries, shall put himself upon the Enquiry of the Country, one half

May dig Turf for melsing Tin, in the Prince's Lands. Vide The Judge's Opinions. Fol. 162.

of the Jurors of such Inquest, shall be of the Tinners aforefaid, and the other half of Foreigners, and of Fact altogether, touching the Stannaries aforesaid, the Inquests to be made as heretofore they have been accustomed. And if any of the faid Tinners be Fugitive or Outlawed, or commit any Offence for which he ought to lose his Chattels, that the same Chattels aforesaid, be appraised by the Warden aforesaid, and our Coronor of the faid County, and by them to the next Villages be delivered, to Answer to us and our Heirs, before the Justices ltinerant in the County aforesaid. Furthermore we Will, and straightly Command, that all Tin, as well white as black, wherefoever it shall be found and wrought in the County aforesaid, be weighed at Tavistock, Asperton, and Chaggeforde, by our Weights thereto ordained, and made, under the Forfeiture of all the Tin aforesaid; and that all that Tin be coined in the same Towns yearly before our said Warden, before the Day of St. Michael in September, under the Forfeiture aforefaid. We have granted also for us and our Heirs, that all our Tinners aforesaid, all their Tin so weighed, lawfully may Sell to whom they will in the Towns aforefaid, doing thereof to us and our Heirs the Coinage and other the Customs due and used, except we, or our Heirs, will buy the said Tin ourselves: Wherefore we will, and for us and our Heirs straightly Command, that our Tinners aforesaid have all Liberties, free Customs, and Covenant above written, and that the same without Lett or Impeachment of us or our Heirs, Justices, Escheators, Sheriffs, or other our Bailiffs or Ministers whatsoever. they reasonable enjoy and use in Form aforesaid, these being Witness, the Worthipful Fathers, W. Bishop of Coventry and Litchfield, S. Bishop of Sarum, and J. Bishop of Carlisse, Henry Lacy Earl of Lincoln, Raulse of Mount Hermer Earl of Gloucester and Hertford, Humphrey of Bobun Earl of Hereford and Essex, Adomar of Valence, Hugh le de Spencer, John Hastings, and others. Given by our Hand at Westminster, the 10th Day of April, in the 33d Year of our Reign.

Confirmation of the Charter by Parliament.

The Declaration, Limitation, and Exposition of the Charter of the 33d Edward I. that was made in Parliament Anno 50th of Edward III. but never printed before; translated into English.

O our most excellent Lord the King, this Petition in behalf of the Comonalty of the County of Devon, that he would be pleafed, by the Advice of his Clergy, Earls, Barons, and other wife Men in this present Parliament, to order, that some Remedy may be put to the many Extortions, Oppressions, and Grievances, that are from Day to Day put in Practice, and hath for a long time been so practifed by the Tinners and the Officers of the Stannaries, as well as by the Lords and others, to the prejudice of the faid Commonalty, under Colour of the Franchises to them granted by the Charters from our Lord the King, and from his Predecessors, contrary to the Law and the Intention of the faid Charters, and by their evil Interpretation of the faid Charters, and that the faid Charters, and all the Franchifes in them comprehended, may be read and declared Article by Article, fo that the Commonalty of the faid County, may fully and directly understand the Contents thereof, and that the faid Declaration may be recorded; and if there should be any Article in the said Charters, that relate to the Customs and Uses, that our faid Lord the King would be pleased in a short time, to order and command sufficient Judges, Gentlemen, and others, learned in the Law in such behalf, to enquire into the said Customs and Uses, and that they may have Power to hear and determine, concerning all the Conspiracies, Confederacies, Alliances, Plots, Extortions, Oppressions, Grievances, Fassities, and Mainte-nances, which they the said Tinners, and their Officers have committed against the said Commonalty, where any of them may complain if they please; to which End also, the King being a Party concerned, it being to be understood that our Lord the King will be a great Gainer, and on the other Part, if no Remedy be put to it at this present, they will in a short time daily go on grinding, disinheriting, and destroying them, which God forbid. The Tenor of any of the Articles in the faid Charters that there is occasion for an Explanation of, be it understood as follows, Imprimis, viz.

Sciatis nos ad emendationem Stannariar' in Com' Devon' ad tranquilitatem & utilitatem Stannatorum nostrorum præd' earundem concessisse pro nobis & hæredibus nostris, quod omnes Stannator' præd' operantes in Stannar' illis quæ sunt Dominica nostra dum operantur in eisdem Stannar' liberi sint & quieti de pl'itisNativorum, & de omnibus pl'itis & querelis Curiam nostram

& hæredum nostrorum qualitercunq; tangentibus ita quod non respondeant coram aliquibus Justiciariis vel Ministris nostris seu hæredum nostror' de aliquo placito seu querela infram præd' Stannarias emergentibus nisi coram Custode nostra Stannariar' nostrar' præd' qui pro Tempore suerit (exceptis placitis Terræ Vitæ & Membrorum) nec non recedant ab operationibus suis per summonitionem alicujus Ministrorum nostror' seu hæredum nostror' nisi per summonitionem dicti Custodis nostri, & quod quieti sint de Omnibus Tallagiis, Theoloniis, Stallagiis, auxiliis & aliis Custumis quibuscunq; in Villis portibus feriis & Mercatis infra Com' præd' de Bonis suis propriis, &c.

Whereupon be pleased to declare, if any other Persons, besides the Tinners working in the said Stannaries, shall have and
enjoy the Franchises granted by the King in the said Charter,
and also the said Charter implies, Quod omnes Stannatores prad'
operantes in Stannariis illis sint liberi, &c. And other Persons,
than the working Tinners, that is to be understood, their Masters that hire them, and their Servants, and others claiming
also the said Freedom; and moreover please to declare, if the
said working Tinners shall enjoy the Franchises at any other
Time than while they are Working in the said Tin-works, as
also the said Charter implies, Dum operantur in eisdem Stannariis, liberi sint, &c.

In right of the said Words, Operantes in Stannariis, illis & dum operantur in eisdem Stannariis, they are clearly to be understood, de operariis laborantibus duntaxat in Stannar'illis sine fraude & dolo, & non de aliis nec alibi laborantibus.

Item, Let it be declared, if also the Working Tinners shall enjoy also those Franchises, so as they enjoyed them at the time, even in the Demesnes which did belong to King Layell, now in the time of our present Lord the King; the which King Layell did grant to them the faid Charter, at the time when he granted them the faid Franchises; as also the said Charter implies, Quod omnes Stannatores prad' operantes in Stannar' illis qua sunt Dominica nostra dum operantur eisdem in Stannariis fint liberi, &c. And they claim to have right, other than on-ly when they Work in the faid Demesns of the King Layell, in right of the said Article, for that there is another Article in the faid Charter, that gives them Leave and Licence to dig in Terris Moris & vastis ipsius Dom' Regis, & aliorum quorumcunq; in Com' præd' & aquas & Cursus aquarum ad operantes Stannariarum prad' divertere ubi & quoties opus fuerit & emere Buscum ad functuram Stanni sicut antiquitus fieri consuevit sive impedimento Domini Regis bæredum suorum Episcopor Abbatum, Comitum, Baronum, seu aliorum quorumcunq; &c. It seems to be a very necessary thing in this Case, that their Customs and Uses be enquired into, and that the Captain of the Tin-work have a Charge that he do not permit any Tinner in the faid Tinwork, to dig in Pasture Land, nor among Woods, nor to seek among Woods nor among Houses, nor disturb Waters, or any running Waters, out of Malice, and if it should so happen, that the said Captain should make any excuse, that the said Tinners will not obey his said Orders, nor cease their malicious doings for him, that then immediately complaint shall be made to the King and Council, and due and hasty Remedy shall be ordered.

Item, That it be in a fpecial Manner declared, that those Judges that shall be now allotted to go those Circuits, to make the said Enquiry, take the Issue of the Country, if there is any, between Party and Party, and how that Article foregoing, concerning the Customs and Uses, has been executed before the said Charter of King Layell was made, and by whose People the said Issue shall be try'd, that is to say, the which by Foreigners only,

or by Tinners only, or by both.

In right of the faid Article, that the Advice of the Grand Council be taken, and that the Records in Eyre be there, if there be any, and other Evidences and Remembrances of the King's Treafury, and then and also the Remembrances of the Lords, which they have, to be for the Time searched and duly examin'd, and also on the contrary, that the said Tinners do produce all their Books and Evidences, the which being produced and well inspected, thereby we may the better come to the knowledge of the right Truth.

Item, Let it be declared, whether the Warden of Stannary, can decide any Cause between Tinner and Foreigner upon any Dispute arising, other where than in those Places where they are at work, as the said Charter implies, Quod Custos noster prad' vel ejus locum tenens teneat omnia placita inter Stannator' prad' emergent' de etiam inter ipsos de ad forinsecos de omnibus transgressionibus querelis de contractibus factis in locis in quibus operantur infra Stannar' prad' similiter emergen' dec.

Wherefore he is to decide the Cause of such Disputes as shall arise between such Persons as are both of the said Country.

In right of this Article, if they have extended the Jurisdiction clearly, according to the Words of the said Charter, that is to say, in locis ubi iidem operarii operantur, and not otherwhere, and in no other Manner.

Item, Be pleased to declare upon what the said Charter implies, albeit & si qui Stannator' præd' in aliquo delinquerint per quod incarcerari debeant per Custod' præd' arrestentur & in Prisona nostra de Lydford & non alibi detineneantur quousque secundum legem & consuetudinem Regni nostri deliberentur; and in this Case, that a Tinner be taken for Felony, and delivered to the Warden, he is very often suffered to go at large, from whence much Danger hath many times happened, and also from there not having been a Delivery of the said Goal not above once in ten Years, and that it may be for a Colour to this same Article, the

Warden serves himself now, by some other Prison, to keep them in for Arrears of Accompts, and puts them in Lidford, where they are so much favoured, that they never endeavour to do any thing to please their Master.

In right of this Article, let it be with all Diligence enquired into before those Judges that now next of all shall be assigned, that they Enquire by what Authority they do it, albeit fince in the faid Charter, they are excepted, in Special all Suits of Lands, and of Life and of Member, and that the Return of that Enquiry be declared in Special, if there be occasion.

And according to this Act, a Commission issued out in these Words following;

Antient Statutes were made upon the Petition of the Commons in Parliament unto the King, in which Petition was fet forth, that which they did desire of the King might be enacted, and passed, not by Bills prepared, as now they do.

The COMMISSION,

DWARDUS Dei Gratia Anglia & Francia Rex, & Domi- These two fornus Hiberniæ, dilectis & fidelibus suis Guidoni De Brian, rons, and Lords & Joh' de Montague, Rob' de Belknap, Hugo' de Segrave, of Parliamens. Henrico Penhaye, & Waltero de Clopton, Salutem; Cum Dominus Edwardus quendom Rey Angline, Ang minus Edwardus quondam Rex Angliæ; Avus noster per Cartam fuam quam Confirmavimus ad emendationem Stannariarum fuarum in Com' Devon' ad tranquilitatem & utilitatem Stannatorum fuorum earundem Concesserit, pro se & hæredibus suis quod omnes Stannatores præd' operantes in Stannar' illis quæ fuerunt Dominica sua dum operentur in eisdem Stannariis essent liberi & quieti de omnibus pla'tis Nativorum, & de omnibus pla'tis & querelis curiam fuam & hæredum fuorum qualitercung; tangentibus, ita quod non responderent coram aliquibus Justiciariis. vel Ministris, ipsius avi nostri vel hæredum suorum de aliquo pla'to vel querela infra præd' Stannarias emergen' nisi coram Custod' Stannariarum præd' qui pro tempore fuerit (exceptis pla'tis Pleas of Land, Terræ, Vitæ & Membrorum) nec recederent ab operationibus Member are fuis per summonitionem aliquorum Ministrorum dicti avi nostri excepted. seu hæredum suorum nisi per summonitionem dicti Custodis & quod quieti effent de omnibus Tallagiis, Theoloniis, auxiliis, Stallagiis, & aliis Custumis quibuscunq; in villis Portubus Ferils & Mercatis, infra Com' præd' de Bonis suis propriis Concesserit etiam eisdem Stannatoribus quod fodere possunt Stannum & turbas ad Stannum fundendum ubique in terrisMoris & vastis fuis & aliorum quorumcunq; in Com' præd' & aquas & cursus aquarum ad operationesStannararium præd'divertere ubi & quoties opus fuerit & emere Buscam ad functuram Stanni' ficut Antiquitus fieri Consuevit, fine impedimento ipsius avi nostri vel ha-

redum suorum Episcoporum, Abbatum, Priorum, Comitum, Baronum, seu aliorum quorumcung; & quod Custos præd' vel ejus locum tenens teneat omnia pla'ta inter Stannatores prædict' emergentia & etiam inter ipsos & alios forinsecos de omnibus transgressionibus querelis & Contractibus factis in Locis in quibus operentur infra Stannarias, præd' fimiliter emergen' & quod idem Custos haberet plenam potestatem ad Stannatures præd' & alios forinfecos in hujusmodi pla'tis justiciand' & partibus justicia am faciend' prout justum & prius in Stannariis illis fuisset usitatum & si qui Stannator' præd' in aliquo delinquant per quod incarcerari deberent per Custodem præd' arrestentur & in Prifona de Lidford, & non alibi Custodientur & deliberentur quousq; secundum legem & Consuetudinem Regni Angliæ deliberentur, & si aliqui Stannatorum præd' supra aliquo facto infra Com' præd' non tang' Stannarias præd' se posuerint in Inquisitionem Patriæ una Medietas Juratorum inquisitionis hujusmodi esset de Stannatoribus præd' & alia Medietas de Forinsecis, & de facto totaliter tangente Stannarias præd' fierent inquisitiones sicut fieri Consueverint sicut per inspect' Rotulorum Cancellariæ nostræ nobis constat ac etiam exclamosa infinuatione tam Magnatum quam Commintat' Com' præd' in præsenti Parliamento nostro graviter conquerentium ad nostrum pervenerit auditum quod Stannatores præd' ac officiarii Balivi & Ministri dict' Stannar' Cartam præd' pro lebito suæ voluntatis interpretantes & debitum intellectum ejusdem Carte pervertentes & etiam excedentes ac. quidam alii in Magno Numero afferentes se fore Stannatores cum non fuerint habitis inter eos Conspirationibus Confederationibus & aligantiis quam plurima Extorsiones, Oppressiones, Falsitates, Deceptiones Cambipartias ambidextras Manutentias Transgressiones damna gravamina & excessus diversis subditis nostris diet' Com' Colore Carte supradict' per plures vices secerunt & indies facere non desistant in nostri Contemptum & ipforum Conquerentium grave prejudicium dict' Com' verisimilem destructionem & eversionem Manifestam. Nos affectantes singulos subditis nostros sub quiete & debito regimene Gubernar' & nolentes tanta Maleficia si per præd' Stannatores officiarios Ballivos vel Ministros aut alios quoscunq; perpetrata existunt aliqualiter transire impunita assignavimus vos quinq; quatuor tres & duos vestrum (quorum vos præfat Robert' unum esse volumus) Justiciarios nostros ad Inquirendum per Sacramentum probrorum & legalium hominum de Com' præd' tam infra libertates quam extra per quos rei veritas melius Scir' poterit & aliis viis & Modis, quibus melius fore videritis de quibuscunq; Conspirationibus Confederationibus alligantiis Extortionibus, Oppressionibus falsitatibus deceptionibus Cambipartiis Ambidextris Manutenentiis transgressionibus damnis gravaminibus & excellibus per quoscunq; Stannatores vel alios in Com' præd' tactis & per quos vel per quem quibus personis ubi & quibus temporibus qualiter & quomodo & de aliis Articulis & circumstantiis permissa qualitercung; tangentibus plenius veritatem

& ad permissa omnia & singula tam ad sectam nostram quam dictorum Conquerentium & eorum singulorum & aliorum quorumcunq; pro nobis aut pro seipsis prosequi volentium audiend' & terminand' secundum 12gem & Consuetudinem Regni nostri Angliæ salvis semper dictis Stannatoribus libertatibus & Privilegiis eis per Cartam præd' Concessis. Et Idea vobis Mandamus quod ad certos Diem & loca quos vos quinq; quatuor tres vel duo vestrum (quorum vos præfat Robert' unum esse volumus) ad hoc Provideritis diligenter super premissa faciatis inquisitiones & Conspirationes, Consederationes, alligantias extorsiones, oppressiones, falsitates, deceptiones, Cambipartias ambidextras Manutenentias transgressiones damna gravimina & excessus præd' audiatis & terminetis in forma præd' facturi inde quod ad Justiciam pertinet secundum legem & Consuetudinem Regni nostri Angliæ falvis Nobis amerciamentis & aliis ad nos inde spectantibus Mandivimus enim Vic' Com' præd' quod ad Certos Diem & loca quos vos quinq; quatuor tres vel duo vestrum (quorum vos prefat Robert' unum esse volumus) & Sci' Fac' Venire Fac' coram vobis quinq, quatuor tres vel duobus vestrum tot & tales probos & legales homines de Balliva fua tam infra libertates quam extra per quos rei veritas Melius Scir' poterit & inquiri. In Cujus rei testimonium has literas Nostras fieri fecimus Patentes Teste meipso apud Westmonasterium sexto Die Julii Anno Regni Nostri Angliæ 50^{mo} Regni vero Nostri Franciæ 37^{mo} per Consilium in Parliamento.

But what was done upon this Commission, is not yet found.

Folia R and June Cent ... "Aparal Glages"
Fig. 1 implicant Notes. Williams I manned.
Oll 1 Franklin, Gent. Philip Parkwold.
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Anno verbi incarnat' 1574.

Lady Elizabeth, by the Grace of God Queen of England, France, and Ireland, Defender of the Faith, &c. of the Dutchy of Cornwall, holden at Crockerrentorre in the faid County of Devon, before the Right Honourable Frances Earl of Bedford, Knight of the most Noble Order of the Garter, Lord Warden of the Stannaries of Devon and Cornwall, and of the Counties of Devon, Cornwall, Dorset, and the City of Exeter, then Lieutenant for her Highness, the sixth Day of August, in the sixteenth Year of her Majesties most happy Reign.

At which Day and Place, according to the antient Custom and Order, appeared twenty four Jurates of every the several Courts of the Stannary of Devon.

The Names of the Jurates in the Stannary Court of Chaggeforde.

John Marshall, Gent. William Battishell, Gent. William Aysbe.
John Newcombe, Sen. William Newcombe.
Thomas Yolden.
Gregory Losekey.
John Cornish.
John Woolcot of Hemiock.
Gregory Christopher.
John Foxford.
John Treade.

Thomas No feworthy.

Bamahe Hore.

Thomas Leer.

George Parre.

William Carpenter.

Christopher Langworthie.

Richard Downeman.

John Caseley.

William Foxforde.

Henry Thewell.

William Leech.

John Lynscotte.

Jurates in the Stannary Court of Ashburton.

John Rowe, Jun. Gent.
John Furseland, Gent.
Oliver Franklyn, Gent.
Christopher Warren.
William Wotton, alias Gale.
John Heale.
William Usher.
Aungel Maddock.
Adrian Foxforde.
Richard Foster.
William Meacombe.
Augustine Hexte.

Richard Chafe.
William Lameshed.
Philip Peterssield.
Thomas Abraham.
William Ellis.
John Caunter.
Edward Hannaforde.
William Foster.
Richard Meacombe.
Richard Wydecombe.
Francis Dodd.
John Mayger.

Jurates

Jurates of the Stannary Court of Plympton.

William Strecheley, Arm.
Philip Strode, Gent.
Thomas Elforde, Gent.
Roger Reade, Gent.
John Heale de Heale, Gent.
John Elforde, Gent.
William Warring.
John Awton.
John Worth.
John Wyndeat.
Alexander Webbe.
Henry Ame.

William Stertes
Nicholas Bickefordes
John Stephen.
John Cannamore.
Edward Cragge.
Henry Ham.
William Chubb.
Elizeus Shullabeare.
Henry Odymer.
Nicholas Hedde.
John Grey.
John Bowden.

Jurates of the Stannary Court of Tavistock.

John Glandfeilde, Gent.
William Prideux, Gent.
John Coke, Gent.
Richard Langesford of
Bratton.
Peter Ebbisworthy.
Richard Lanxford of Moreton.
Richard Drake.
John Lugge.
John Sleeman.
John Gill.
John Stutworthy.

John Richard.
John Sprye.
William Allyn.
Peter Burges.
John Sooper.
Thomas Shippen.
Richard Dunridge.
Thomas Knighton.
John Hannaford.
William Harragrowe.
Walter Elforde.
Richard Ree.
Thomas Macye.

Which faid Jurors being, according to the antient Custom, Chosen, Tried, and Sworn, by the whole Assent and Consent of all the Tinners of the said County of Devonsbire, do Enact, Assirm, Ordain, and by these Presents Establish, that as well all Statutes now new made, as all other Statutes heretofore there made and ordained, (other than such Statutes as now in this Court, and in other Courts heretofore holden there, are made frustrate and of none esset) do and shall henceforth wholly remain in full Strength and Force.

At the humble Petitions therefore of the Tinners of this County of Devonshire, be it enacted, ordained, and established, in Manner and Form following, (viz.)

Anno 16 Eliz.

An Act for the Preservation of Havens in the County of Devon, decayed by Ruble falling from Tin-works.

First, Whereas for the better Preservation and Maintenance of the Havens and Ports of Plymouth, Dartmouth, Tring mouth, Falmouth, and Fowey, there have been heretofore two fundry Statutes and Ads in the High Court of Parliament holden at Westminster, whereof the one in the 23d Year, and the other in the 27th Year of the reign of the late King, of most famous Memory, King Henry the Eighth, were ordained and made, in which faid Statutes, it hath been by great Policy ordained and devised, that no Person or Persons, from and after the end of the said Parliament, should labour or work in any manner of Tin-works, call'd Stream-works, within the aforesaid Counties of Devon or Cornwall, nigh to any of the fresh Waters or Rivers, or other low Places, there descending, or having Course to the aforesaid Havens and Ports, or any of them, or should labour, dig, or wash any Tin, in any of the faid Tin-works, call'd Stream-works, unless the Digger, Owner, or Washer, did make sufficient Hatches or Tyes, in the end of their Budles and Cords, and therein put, or lay, or cause to be put and laid, all their said Stones, Gravel, and Ruble, digged about the fearthing, finding, and washing of the faid Tin, there to be wholly and furely kept by the faid Hatches and Ties, out, and from the aforesaid fresh Rivers upon certain Pains mentioned in the faid feveral Statutes, as further in the faid Statutes, more at large, is contained; which faid Statutes, for that they (not being put in due Execution) have not brought fuch Redress of the Anoyance of the faid Ports and Havens as there was meant, and hath been looked for. And to the End that the Contents of the faid feveral Statutes, and the Mischiefs therein declared, may the better hereafter be reformed: It is now enacted, over and besides the Penalties and Provisions already ordained in the faid two feveral Statutes, that if upon any Bill, Plaint, or Information made, or exhibited, in any of the Courts of the Stanpary in the aforefaid County of Deven, against any Person or Persons, for any Offence done, contrary to the Provision of the aforesaid Statutes, or either of them, and that the Person or Persons so offending, be thereof duly convicted, either by the Verdict of 12 Men, or by his or their own Confession, that the Party or Parties to convicted, for the first Offence, shall forfeit and incur the Penalty of 40 Marks, to be levied of his Goods and Chattles by a Fieri Facias, as other Penalties and Forfeatures are accustomed to be levied, the one half of all which Forfeitures, to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall fend us a Prince, then to the Lord Prince, and the other half to the Party that will fue for the same, by Bill, Plaint, or

Vide the Form of a Declaration on this Act. Fo.

Information, in which Suit, no Protection, Esfoyne, or Wager of Law, to be allowed for the Defendant, and if the Party fo offending, do eft foones offend, and be thereof convicted as aforefaid, that then he to lofe all fuch Interest, Estate, and Term, as he hath in the faid Works, either in his own right, or in the right of his Wife, during his natural Life, the one Moiety of which faid Tin-works, to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, and the other Moiety to him that will fue for the same in any of the Courts of the faid Stannary, by Bill, Plaint, or Information, in which Suit no Protection, Effoyne, or Wager of Law to be allowed for the Defendant. And if the Party or Parties fo offending, (and thereof convicted as aforesaid) be not able to pay and fatisfy the Penalty of forty Marks aforefaid, that then the faid Party or Parties, shall be committed to the Prison of Lidforde, there to have the Imprisonment of one whole Year, without Bail or Mainprize.

VI

And be it further enacted, that if the Steward of the said Stannary Courts for the time being, do not, at each Law-day to be holden within the said Stannary, give this Ordinance and Statute in Charge to the Jury of the same Court, that then the said Steward shall, for his Negligence, incur the Penalty of 5 % for each time so offending, to be levied by Fieri Facias, to the use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince.

VII.

And for the better Preservation of the Havens aforesaid, be it further enacted, that it shall be lawful for any Person or Perfons from henceforth, working in any Hatch Works, or Stream Works, to convey and carry their Ruble, Gravel, and Sand of any fuch Works, into any Hatches, Tye Pitts, Moory Places, or Grounds which have been of antient time wrought, or any other convenient Places, as well within the Limits and Bounds of the faid Tin-works elsewhere, so that it be not prejudicial to the Working of any Work already pitched, and not throughly wrought into the Shelf, and that it shall not be lawful for any Person or Persons hereafter, to Dig or Work for Tin in any Stream Work within threefcore Foot of the Main, or great fresh Rivers, commonly called by the Names of Teyng, Darte Plym, Tavy, Walkeham, or Tamer, running or descending to any of the Havens aforesaid; nor shall work any Hatch Work within four and twenty Foot of any the Rivers aforesaid; and that all and every Person and Persons working in the said Hatch Work, shall make and provide such Strength of Places and Stayes, as that the Force of any of the aforefaid Rivers at the Flood, or overflowing of any of them, do not carry away any abundance of Gravel, Ruble, or Sand, to the Nusance or Hurt of any of

the Havens above specified, upon pain of such Fine and Penalty as shall be assessed for the said Offence, by the Lord Warden, or his under Warden in that behalf, if it be found by Verdict of twelve Men at a Law-Day. Provided always, that no Person or Persons shall incur the Danger or Penalty of any Statutes made at this present Great Court or Parliament, before the Publication of the Effects of the same, at every of the sour Stannary Courts of this County of Devon-Shire.

VIII.

An Act for the true Weights and Measures to be had in buying and selling of Tin.

IX

THAT every Tinner within the Stannaries of Devon, which will keep a Toppe or Gallon, betwixt the Day of this present Parliament and the Feast of St. Michael the Archangel then next following, shall have one Measure for the Meating of black Tin, called a Toppe or a Gallon, newly to be made and sealed with a Seal, to that use to be provided and kept by the Steward of the said Stannary, with also the half Gallon and a Pound Dish, the Gallon to contain six Wine Quarts of Winchester Measure, and no more, and the half Gallon to contain three Wine Quarts of the same Measure, and no more, and the Pound Dish to contain one Quart of Wine Measure, and no more; and that the said Measures, and every of them, shall be from time to time sealed by the said Steward, his Deputy, or Deputies, and the said Steward, his Deputy, or Deputies, to have for the ensealing of every such Gallon, half Gallon, or Pound Dish, one Penny.

X.

And likewise that no Person or Persons of the Stannary aforesaid, which after the Feast of St. Michael the Archangel next coming shall become a Tinner, shall deliver, sell, or measure, by any other Measure than is aforesaid expressed, upon the Pain that every one that shall offend or do contrary to this Act, (and being thereof duly convicted at a Law-day, by the Verdict of twelve Men or more) shall incur and forfeit the Penalty of 40 s. for each time so offending, the one half to be to the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, and the other half to be to the Party that will sue for the same within the Court of the said Stannary, (whereas the Offence is, or shall be, done or committed) by Bill, Plaint, or Information, in which Suit no Essoyne, Protection,

tection, or Wager of Law, to be allowed for the Defendant, and the faid Penalty to be levied to the Uses aforesaid by Fieri Facias, as in such like Cases is accustomed.

Be it also further enacted, that every Person or Persons, that hereafter shall weigh any white Tin at any Beam within the faid Stannaries of Devonsbire, shall, without Fraud or Covin, lift, or fet upright, the Ballances or Weights of the faid Beam, and the Buyer or Buyers to have the just Weights and Contents of his Piece of white Tin, and two Pound Weight Tin over to be allowed to him for his Loft, upon Pain that the faid Buyer or Buyers that shall deceitfully use himfelf in the lifting, or fetting upright of the faid Ballances or Weights, (and being thereof duly convicted) shall, for each time so offending, incur the Penalty of 40 s. to the uses aforefaid, and to be levied as aforefaid.

An Act for the Registring of Tinners, and to Reform the Disorders of the Process called Nichils, against such as be no Tinners.

OR the avoiding of divers crafty, injurious, and indirect Vexations heretofore used and practifed, by diverse and fundry evil disposed Persons, in pursuing and getting forth of the Courts of the Stannary within the said County of Devon, the Process commonly called Nichils, to the unjust Vexation of divers the Queen's Majesty's Subjects, and the great Slander of the Laws of the faid Courts of the Stannary for the due Reformation whereof, be it ordained, enacted, and established, that each and every Tinner of the said County of Devon, within fix Weeks immediately ensuing the Feast Day of St. Michael the Archangel, next coming after this present vide the great Court or Parliament, shall, before the Steward of the faid Form of a Stannary Courts, or his Deputy, or Deputies, Record, Enter, Introduction and Register, or as much as in him lieth, shall cause to be re- to the first corded, entred, and registred, in a Register Book to that use to Part. be provided, (other than such as be already registred) his Name and Surname, upon the Pain to every Tinner that shall not do as aforefaid, to forfeit and incur the Penalty of 5 1. to be levied of his Goods and Chattels, by Fieri Facias, as is in other like Cases accustomed; the one half of which Penal-ty and Forfeiture to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, the other half to the Party that will fue for the fame in any of the Courts of the faid Stannary, in which Suit, no Esfoyne, Rrr

Protection, or Wager of Law to be allowed for the Defendant.

XIII.

And be it further enacted, that each and every Person and Persons, other then such upon whose Oath or Oaths in open Court before the Steward of the Stannary to be made, it shall appear, that he or they were not Cognizant, of any Tinwork or Tin-works, descended, come, or cast upon him or them, being of the sull Age of sixteen Years, which at the End of this present Parliament is no Tinner, and shall at any Time hereafter become and be a Tinner, by any Ways or Means, (shall within two Months next after he shall so become a Tinner) under, and upon the like Penalty of 5 1. to be forseited and levied to the uses aforesaid, enter or cause to be entred in the aforesaid Register Book, his and their Name and Names, Sirname and Sirnames.

XIV.

Be it also further enacted by force of this present great Court or Parliament, that every Person and Persons being of the full Age of twenty one Years, which hereafter shall alienate and depart with all and every his Tin-works, to any Perfon or Persons, by any Ways and Means, (unless it be by Devise in his last Will and Testament) shall within two Months after fuch Alienation, cause the Steward of the Stannary for the time being, or his Deputy, to Cancel or put out the entry of his Name and Sirname, upon the like Pain and Forfeiture of 5 l. to be levied in like fort, and to the uses abovesaid. And the Steward for the time being, shall, by force of this present Act, have for the Entry and Enrollment of every fuch Perfons Name and Sirname, as aforesaid, two Pence, and for every Search or Cancelling as aforefaid, two Pence, and no more. And if the Steward of the faid Stannary, his Deputy or Deputies, or any of them, shall upon Request to him or them made, refuse, or fraudulently defer to make such Entry or Cancelling, as aforefaid, with the Day and Year of the faid Entry and Cancelling, or by any corrupt, unjust, or finister Means, do alter or suffer to be altered the said Register Book, contrary to the true meaning of this present Act, or do not in fuch fort give up and deliver the faid Book at the End and Expiration of his faid Office, unto the Steward next succeeding him, or do grant any Process of *Nichil* against any Person or Persons, not being a Tinner or Tinners, for any Matter or Cause not determinable within the said Stannary Courts, or some one of them, and appearing upon the Declaration of the faid Plaintiff, that the faid Cause is not determinable there, and the said Steward do not immediately dismiss the said Cause out of the said Court, that then the said Steward being thereof duly convicted. by Examination, or other Trial to be made before the Lord Warden, or his Deputy Warden of the

Stannary of Devon, according to the Custom and Usage of the faid Stannary, shall lose and forfeit for each time so offending 5 1. the one half to be to the use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall fend us a Prince, then to the Lord Prince, and the other half to the Party grieved, and to be levied by Fieri Facias, as other Penalties forfeited are accustomed to be levied.

XV.

And further it is enacted, ordained, and established, that if any Tinner do at any Time hereafter Arrest or Molest by the faid Process of Nichil, any Foreigner not being taken within the antient Jurisdiction or Precinct, of any of the four Stanna- vide Stat. of ry Courts of Devon, for any Matter not determinable within Car. 1. before the faid Courts, that then the faid Tinner being thereof duly fer forth. convicted, shall incur the Penalty and Forfeiture of 5 1. And nevertheless the same Arrest to be utterly void to all intents and purposes, the one half of all which several Forseitures before recited or expressed, (the Forfeiture for the Offences to be committed by the faid Steward, as is aforementioned, only excepted) to be to the use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, the other half to the Party that will fue for the fame in any of the four Stannary Courts, by Bill, Plaint, Information, or otherwise, in which Suit, no Essoyne, Protection, or Wager of Law to be allowed for the Defendant. And if the Party fo offending, and being thereof duly convicted, by any of the Means aforesaid, be not able to satisfy the said Sum of 5 l. as aforesaid, that then he to have the Imprisonment of three Months, without Bail or Mainprize.

Provided always, that no Person or Persons for suing any other Tinner or Tinners, whose Name or Names be not registred, (as is abovefaid) shall incur any Penalty or Danger of

any Statute heretofore made.

Be it also further enacted and ordained at this present Great Court or Parliament, that upon every Penal Statute whatfoever, that shall be sued in any of the four Stannary Courts, and upon every other Bill of Complaint there exhibited, there shall be a Scire Facias awarded, (as heretofore hath been commonly used) to compel the Parties (against whom any such Bill or Suit shall be commenced or exhibited) to appear, and also for the levying of every Penalty of any Statute to be sued in any of the said Courts, a Fieri Facias shall be awarded, as it hath been commonly used; and if the Bailiff Return, that he cannot find fufficient Goods of the Party against whom the same Fieri Facias shall be so awarded, whereof the same may be levied, then a Capias to be awarded to take his Body to fa-

tisfy the same; but if such Parties shall have found Sureties before he shall be convicted of any such Penalty, then Process to be made against the Sureties, according to the Customs of the Stannary, any Law or Statute now or hereafter made to the contrary, in any wise notwithstanding.

An Act for the Working in Wood-Grounds, Pasture-Grounds, and Meadow-Grounds, allotting in some Cases a Tenth Part to the Owners.

XVII.

E it enacted, ordained, and established, that no Tinner or B Tinners by himself, or any other for him, or to his Use, shall at any Time after the Feast Day of St. Michael the Archangel next ensuing the Day of this present Parliament, Work or Dig for Tin to be had in any Meadow-Grounds, or Piece of Ground, which now or most commonly for the Space of twenty Years last past hath been used as Meadow-Ground, other then in fuch Meadows wherein any Tin-work or Tin-works are now in Working, or within two Months last past, were usually Wrought, and shall hereafter be in Working, and not lie unwrought by the Space of one Quarter of a Year, or shall Work or Dig in any Orchard, Garden, Mansion-House or Houses, or other Buildings or Curtilages belonging to the same Mansion-House or Houses, or in any Land that shall be Wrought, or be in Working by beating, dunging, or dressing for Tillage, or in any other Ground, whereupon is, or hereafter shall be any Grain or Corn growing, during the Time that the Grain or Corn shall be so growing, nor during the Term of two Years next immediately after the reaping or cuting off the first Breach of the Ground so Sown, as is aforesaid; and until fuch Time as the Grain or Corn fo growing shall be cut and inned, or otherwise faved, or by Reason of any of the faid Tin-works, (Beam-works only excepted) shall subvert, destroy, or overthrow any Timber, Coppice, or Shere Wood or Woods, Grove or Groves, or any Parcel thereof, to the Number of twenty Trees of Oak, Ash, or Elm, of twenty Years growth, or more, without the special Licence of both the Lord and the Tenant of the faid Meadows, Gardens, Orchards, Houses, Buildings, Grounds, Curtilages, and Woods, upon Pain to forfeit to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, (having no Prince, and when God shall send us a Prince, then to the Lord Prince) for every such Offence, if it be found by Verdict of twelve Men at a Law-Day, five Pounds, and to the Party grieved, treble Damages.

XVIII.

Provided always that it shall be lawful for all Tinners to carry Water to and from any Tin-work or Tin-works, in, Vid. Char. over, or through any Meadows, or Orchards, Woods, Groves, and all other Land, any Clause, Sentence, or Article in this present Act to the contrary thereof, in any wise notwithstanding,

XIX

Provided always, and be it likewise enacted, that the Owner and Owners of every fuch Tin-work now in Working, or that within two Months last past was Wrought, and hereafter shall be in Working in any Meadow or Meadows, shall fill and make level, and cause to be filled and made level (as near as he or they conveniently may) all and every the wrought Places within the faid Tin-works, so hereafter to be wrought within one Year next after they have left Working of the faid Meadow or Meadows, fo as fuch filling be not noisome to the working or conveying of Water to or from any Tin-work, and that upon pain of Forfeiture of forty Shillings to the use of our Sovereign Lady the Queen's Majesty, having no Prince, and when God shall send us a Prince, then to the Prince, if it be found by Verdict of twelve Men at a Law-Day in any of the four Stannary Courts where the faid Tin-work or Tinworks lie, besides treble Damages to be yielded by the Offender in that behalf, to the Parties grieved, to be recovered by Action of Trespass upon the Case, Information, Bill, or otherwife, in any of the four Stannary Courts where the faid Meadow or Meadows lie.

XX.

And considering the great loss that many have, and do sustain, by mining and subverting of their Lands, and yet have no Manner of Prosit in Place thereof, for Redress whereof, and in Part of Recompence, be it therefore enacted and ordained, that in all Meadow-Grounds, good Pasture, and Lands that hath been commonly used or converted to Tillage, the Lords and Tenants thereof, to have in all between them the tenth Part of the Prosit of so much of every Tin-work hereafter new pitched and gained by the same Pitch, as shall be wrought within the same Lands, Meadow, or Pasture, during the Charge for Working, and other Costs of the same tenth Part, as other Owners of the same shall do for their Parts.

Provided also, that the intent of this Statute is not, that the fame shall extend to any Tillage, Buildings, Orchards, or Meadows, hereafter to be made and newly erected by Fraud or of Purpose, to let and hinder the Working of any Tinwork or Tin-works, but that this Proviso in that behalf shall be customed, and taken to be most beneficial for the Owners and Workers of any such Tin-work or Tin-works,

I

An Act for the Punishment of false Verdicts, and for the true entring of Verdicts and Judgments.

FOR due Correction and just Punishment, of untrue Verdicts, if henceforth it be used or committed in any of the Stannary Courts of Devon, and thereby the fooner to avoid the ensuing great mischiess coming of the same, to the hurt of many the Queen's Majesty's Subjects, and for which no certain or ordinary Remedy is had or provided in, or by any Stannary Laws now in Force; be it therefore enacted, established, and ordained, at this present great Court or Parliament, and by the Authority of the same, that when and as often as any party grieved untrue or false Verdict hereafter shall happen to be given, in hath Election any of the four Stannary Courts aforesaid, upon Complaint to ground his writ of At thereof made, with due Proof and Trial thereof had, by Comtaint, &c. at mission, or by any other such lawful Means as shall be thought Common Law, good, to the Lord Warden, or his Deputy, the Jurors so of-or upon the fending, thall suffer such l'unishment for the same Offence, and 3 Inft. 163, pay such Fine therefore to the ule of the Queen's Majesty, her Heirs and Successors, (having no Prince, and when God shall send us a Prince, then to the Lord Prince) as shall be adjudged or awarded by the Lord Warden, or his Deputy, fo as such Fine exceed not the Sum of 100 l. and the Party that shall sustain Wrong, Loss, or Hindrance by such false Verdicts, shall be so satisfied, or recompenced for the same, as by the Discretion of the Lord Warden, or his Deputy, may be thought convenient; and for the Execution of this Statute, fuch Process to be awarded as heretofore hath been used in the faid Stannary Courts upon Penal Statutes, and other Contempts, or otherwise by any lawful Means. And if after due Proof and Trial of the Caufe, complained as aforefaid, it do appear that the Jury upon whom fuch Complaint shall be made, have given a true Verdict, then they to recover and have of him or them that shall make such unjust and wrongly Complaint, their Costs and Charges, in that behalf sustained, to them to be awarded by the faid Lord Warden, or his Deputy.

And forafmuch as all the Pleadings of the Stannary Courts remain in Scrows, and of no Record after the Pleas determined, whereby divers inconveniencies have enfued, and may enfue, for Remedy whereof be it affirmed and enacted, that from henceforth in all the Stannary Courts of this County of Deon, for and concerning any Tin-work or Tin-works, or Part or Parts of any Tin work or Tin-works, and also the Verdict, Judgment, and Execution of all other Matters, whereof the Recovery

Vide Stat.

Recovery by the Judgment shall exceed the Value of 40 s. (and a short Note of the Matter whereupon it shall proceed) shall be entred by the Steward, or his Deputy, in a Book that shall always remain in the same Court of Record where such Judgment shall be given, as briefly as may be, whereby the effect thereof may be fully perceived, and for the entring of every of the same effects of the Verdict, Judgments, and Execution; the Steward to have for every Declaration, and for every Plea 6 d. any Law or Statute heretofore made to the contrary, in any wise notwithstanding.

An Act against such as shall escape from Musters, being Tinners, and against Alienations and Sales of Tin-works under the Age of twenty one Years.

XXIII.

Highness Appointment, or Commandment, the Lord Warden hath addressed his Commission to his Deputy Wardens within the aforesaid Counties of Devon and Cornwal, to take the View and Musters of able Persons within his Office of the Stannaries for the Service of her Majesty in her Wars, divers and sundry Persons, being Tinners and Spalliers, undutifully and craftily have given up their Holds and Works, to the end they would not be within the Compass or Commandment of the said Commission for the Musters of the said Stannary, and the said Musters being past, have immediately entred into their said Tin-works again; to meet therefore with such undutiful, and naughty Practices and Dealings,

XXIV.

It is now ordained and enacted, that whatfoever Perfon or Perfons within twenty Days next before the publishing of any Commission for Muster and View of the Tinners within the said Stannaries, shall be in Work in any Tin-work, or have, or take, any Commodity or Profit as a Tinner of the said Stannaries, and shall so fraudulently for sake his Labour or Tin works, and be thereof convicted before the Deputy Warden, or Steward of the said Stannaries, by Verdict of twelve Men at a Law-Day, within the Jurisdiction of the Stannary Court where any such Person or Persons shall Inhabit or Dwell, shall forfeit for each Offence 5 to be levied of his Goods or Chattels by Fieri Facias, as in such like Case of Forfeitures hath been accustomed, the one Moiety whereof to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince; the other Moiety to him or them that will sue for the same, in any of the four Courts of the Stannary,

Stannary, by Bill, Plaint, or Information, in which Suit, no Essoyne, Protection, or Wager of Law to be allowed for the Defendant.

And if the Party so convicted (as aforesaid) be not able to pay and satisfy the said Penalty, that then he to be committed to the Prison of Lidford, and there to have the imprisonment of one Month without Bail or Mainprize.

XXV

It is also enacted and ordained, that all Bargains, Sales, and Alienations hereafter to be made, of any Tin-work or Tinworks, or Part of any Tin-work or Tin-works, by any Perfon or Persons, being at the time of the said Bargain, Sale, or Alienation, under, and not of the full Age of twenty one Years, shall be utterly void and of no validity in the Law, any Act of Parliament of the Stannary, or other Custom or Usage heretofore had, made, or used to the contrary hereof, in any wise notwithstanding.

An Act for such as shall Steal any Black Tin.

XXVI.

E it affirmed and enacted from henceforth, that if any B Person or Persons with Force, or otherwise, take away any Black Tin to the Value of 5 s. or above, wrought or gathered, or to be wrought or gathered in any Tin-work or Tin-works, wherefoever it be found, from the Owner or Owners, or other Occupier or Occupiers of the same Tinwork, or of any Part of the same Tin work or Tin-works, whereof the same Tin is or shall happen to be wrought or gathered, or which have borne, or hereafter shall bear, the Costs and Charges for the gathering and working of the same Tin; that then every Person so taking away any such Tin shall forfeit 40 1. of good and lawful Money of England, whereof the one half to be to our Sovereign Lady the Queen's Highness, (having no Prince, and when God shall send us a Prince, then to the Lord Prince) and the other half to the Party grieved by taking away of the same Tin, to be sued by Action of Debt in any of the four Stannary Courts of Devon, within the Jurisdiction of which Court, the same Plaintiff or Defendant shall then inhabit, in which Case, no Essoyne, Protection, or Wager of Law shall be admitted for the Defendant.

XXVII.

Provided always that an Attachment of any such Tin may be made, and the same to be delivered upon good Securities, to be found in such Manner and Form as is expressed in a Statute made at the Great Court holden at Crockerentorre, the 25th Day of September, in the 25th Year of the Reign of Henry the Eighth, of most famous Memory, late King of England, Father to our Sovereign Lady the Queen's Majesty that now is, and that all the Residue of the former Statute made in the said 25th Year, touching or concerning the taking away of Tin, be from henceforth utterly made void and of none effect.

An Act that no Juries shall proceed at any Law Courts, but for the Queen, and for appointing of Courts, &c.

XXVIII.

W HEREAS before the time of the Statutes made at the Great Court of Crockerentorre, in the fixth Year of Edward VI. of most worthy Memory, late King of England, there were no Juries allowed to be Sworn in any of the Law Courts, between Parties upon any Actions, because the same should hinder the Inquiry to be then made by the Grand Jury for the King, since which time by reason of certain Statutes then and there made, there have been divers Juriers Sworn at Law-Days between Parties, upon Suits depending, to the delay of such Proceedings as then ought to have been had for the Queen's Highnes: Be it therefore enacted and provided, that no Manner of Juries, Inquests, or Taxations, proceedat or in any of the said Law-Days, in any of the four Stannary Courts, but for the Queen's Majesty (only,) and in Considerations thereof, and for the more speedy Trial of Suits in the said Courts.

XXIX.

Be it likewise enacted and ordained, that twelve Courts of every of the faid four feveral Stannary Courts or Jurisdictions, shall and may be yearly holden over and besides the said Law-Days, and all Process, Trials, and other ordinary Proceedings in every of the faid twelve Courts, to be of effect, and have like Force in Law, to all Intents, Constructions, and Purpoles, as in any Court of the Stannary heretofore hath been used, and also that all Trials and Inquiries by Juries, Inquests, or Taxations, and all Manner of Process touching the same Trials, not being for the Queen's Majesty only, which should, or ought to have, proceeded at the same Law-Day, shall proceed at the next Tin Court then following, to be holden within the same Jurisdiction where the said Trials should, or ought to have been, and to be then of like force and fubstance in Law, to all Intents and Purposes, as if the same had before passed at any of the said Law-Days, and that no Tin Court shall be kept in any of the four Stannary Courts but by Adjournment, or Summons of fifteen Days at the leaft.

XXX.

Whereas upon divers Penal Statutes of the Stannary, the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, the Lord Prince is to be entitled to the one half of the Penalty and Penalties, and the Party that shall sue to have the other half, if the Offence be found by Verdict of twelve Men at the Suit of the Party, the which Verdict cannot be had at the Suit of the Parties, unless the Defendant of his Side in like Manner will be content to join in Issue for the Trial thereof, which he so refusing to do, the said Statutes will then serve to small Purpose, for so being at the Choice of the Defendant whether he will so have it tried or no, then and in such Case, no Punishment can or will ensue thereby; for Remedy whereof,

Be it established and enacted, that every such Pain, Penalty, or Forfeiture, limited to be due by Vertue of the said Penal Statutes, shall forthwith be due by and upon any such Offence committed, or to be committed against the effect, intent, and meaning of the said Statutes, as if the said Clause or Words, videlicet, (if the Offence be found by Verdict of twelve Men at the Suit of the Party) had been omitted, or not contained within the said Statutes, and the same Penalty, Pain, or Forfeiture, to be sued for by Action of Debt, in any of the four Stannary Courts, whereas the Party, Plaintiff or Defendant, doth or shall Inhabit or Dwell; in which Actions, no Essoyne, Protection, or Wager of Law, to be allowed for Defendant.

XXXI.

Be it also affirmed and enacted, that upon every Indictment or Inquisition found for our Sovereign Lady the Queen, her Heirs or Successors, or for the Lord Prince, when God shall fend us a Prince, in any of the four Stannary Courts, the Party against whom any such Indictment or Presentment shall be found, shall be admitted and allowed to traverse the same within the Jurisdiction of the same Court where such Presentment shall happen to be made, putting in sufficient Sureties, according to Equity, to follow the Trial, of the same effect.

An Act against such as shall colourably depart with their Tinworks, and limiting who shall be accounted as Tinners.

XXXII.

HEREAS divers Persons have been contented and used Means to gain by Tin-works, and by the Priviledges of the Stannary, and yet notwithstanding, have practifed Shifts to be disburthened of all Contribution and other Charges, as Tinners, for the Service of the Queen's Majesty, and towards the lawful Maintenance of the same Stannary, as heretofore hath been accustomed, to the utter decay of the Labourers in the lame Tin works, upon whom great Charge, by reason of Be it therefore established and enacted, fuch Shifts, is laid. that from henceforth all and every Person and Persons that is or shall become Guardian to any Infant within the Age of twenty one Years, or shall have the Rule or Disposition of any of his Tin-works, or Part thereof, or shall receive, take, or have any Manner of Gain, Profit, or Commodity of any fuch Tin-work or Tin-works, or Part thereof, shall be deemed and taken in Charge and Contribution amongst Tinners, as a Tinner, for and during the time he so hath, or holdeth, the same, in like Case as such Infant himself being of full Age, should, might, or ought to do, having the fame in his own Hand and Manurance. And that all Farmers and Spalliers of Tin-works, Buyers of black Tin, and blowers of Tin, or doing the Charges of, or for the same, they and every of them shall be reputed and taken as Tinners, to all Intents, Constructions, and Purposes, and also that all Matters concerning Tin or Tin-works, or whereof the first Contract or original Cause, directly or indirectly, hath or shall arise or grow by reason of Tin or Tin-works, by any Manner of Means, shall be maintainable in the Tin Courts, and the Party Defendant compellable to Anfwer to the same, in such fort as if he were directly a Tinner.

XXXIII.

Be it also further enacted, established, and provided, that all Manner of Persons being Tinners or Spalliers within the County of Devon, whose Names are, or shall be, recorded in the Register Book, for that purpose especially appointed and Vide Chart. provided, (according to the true meaning and intent of the Edw. I. om-Order, taken and set down in the Statute for Registring of sibus tallagiis, aux-Tinners, and the Reformation of the Disorders of Process of illiis, Custu. Nichils against such as be no Tinners) shall be quiet and free mia villis portions from all Tollage, Toll, Stallage, Aid, and all other Manner quieti sint.

of Customs, for their own proper Goods in all Towns, Ports, Fairs, and Markets within the County of Devon, unless it be for the Queen's Highness great Custom.

An Act for the true and orderly Pitching and Bounding of Tin-works.

XXXV.

HEREAS the great Court or Parliament holden at Crockerentorre, the 28th Day of September, in the ninth Year of the Reign of our Sovereign Lady the Queen's Majesty, that now is, one Statute was then and there made and ordained for the avoiding of the abundance of Waters out of Tin-works, which were not then, nor by any Means before that Time, able to be wrought; and one other Statute was then and there made, for the Repeal of certain Statutes concerning Pitches and Releases, and thereupon one other Statute was also made for the reviving of Bounds and Pitches of Tin-works, and in Default thereof, the tenth Part to be gain'd from the old Owners, by other Mens Pitches, and befide the faid feveral Statutes, it was also then and there enacted, ordain'd, and establish'd, that all other Acts and Statutes, before that time made, and at that great Court or Parliament, or before, not annihilate, or made void, by especial Words, should from thence forth, stand, remain, and be in their full Force and Strength, and in the same several Statutes more fully and at large is contained and expressed, and for that the faid several Statutes were never imprinted, because of some Ambiguity and Doubt conceived, (as is well known) touching the Validity and Force of the fame Statutes; for avoiding of which Scruple and Doubt, be it now therefore enacted, ordained, and established, that all and every of the said sundry Statutes (for that the same and every of them be enrolled, and do remain among other Records of the Stannary Courts of Devon, shall from henceforth stand, remain, and be in as full Force, Strength, and Effect, to all Intents and Purposes, as if the same Acts and Statutes had been heretofore (or that this prefent were) imprinted together with these now published and set forth, excepted and always foreprized, the faid Statutes then and there made concerning the removing and pitching of Tin-works, which shall be deemed and reputed to stand in Force no longer then until the Day of this present Great Court or Parliament. And that from henceforth and not before, the faid Statutes concerning reviving and pitching of Tin-works, shall be frustrate and utterly made void to all Intents and Purpofes.

XXXVI.

And be it now further enacted and established, that from henceforth all Tinners shall keep their Tin-works as hereafter shall follow and is declared; that is to fay, yearly, between the Feast of St. Peter the Advincula, last past, and the Feast of St. Michael the Archangel now next following, and fo hereafter yearly between the aforesaid two Feasts, to make or Renew, or cause to be made or renewed, their Headmeare, Side Bounds, Water Leate, and Tail of every Tin-work, that now is, or hereafter shall be wrought; and if there be any Tin-work or Tin-works, that hereafter be not kept or renewed, according to this Act, (as is before rehearfed) it shall be lawful for every Man to Pitch them as Works Alay; fo that the faid Pitcher which shall fortune to Pitch any such Tin-work or Tin-works, for default of renewing of them (as is abovefaid) do Pitch the faid Tin-work or Tin-works before the Feast of All Saints next following after the faid Feast of St. Michael, and also give the first warning to any of the Owners of every such Tin-work so pitched, before the said Feast of All Saints, in the Presence of four or five Tinners, and at the time of the faid Warning, the faid Pitcher shall take the said Owner or Owners (that he so Warneth of the faid Pitch of his faid Tin-work or Tin-works) by the Arm, shewing and declaring to him with a loud Voice, that he may hear him, the Cause of his Pitch, and the Day when he pitched the faid Tin-work or Tin-works; and also the faid Pitcher at the Tin Court (within the Jurisdiction whereof such Tin-work lieth) next to be holden after the faid Warning given to the faid Owner or Owners, at the beginning of the faid Tin Court, in his own proper Person, shall cause the Steward of the same Court for the time being, or his Deputy, to enter into his Book, that shall remain in the same Court at all times of Record, the Manner of his Pitch, (that is to fay) his own Name, and the Name of the Owner that he so warned, and the Day and Place when and where he gave him fuch Warning, and thereupon the faid Steward, or his Deputy for the time being, in the same open Court, (and in the three other Tin Courts, whereas the faid Tin-work or Tin-works fo pitched lieth not) when the Steward, or his Deputy, shall think most People to be present, shall make Proclamation of the faid Pitch, and Warning of the faid old Owner or Owners of the faid Tin-work or Tin-works, or elfe the faid Pitch to be void and of none effect, taking of the faid Pitcher for his Labour 8 d. And after the faid Pitch, Warning, and Entring accomplished, and Proclamation thereof fo made (as is aforesaid) in the same Tin Court, whereas the said Tin-work fo pitched lieth, that then all and every old Owner or Owners of the faid Tin-work or Tin-works fo pitched, shall have Liberty by the Space of four Tin-Courts there to be holden next after the faid Entring, and first Proclamation in the faid Tin Court, made when the faid old Owner or Owners, or any of Uuu

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XXXVII.

And be it further enacted, that one Book of Record of all Pitches that hereafter shall be made of Tin-works, shall be kept in a Chest or Coffer, within the Jurisdiction of the same Court where such Tin-works lie, or shall lie, in such convenient Place as eight discreet Tinners of the same Court shall appoint, to have three Locks and Keys, whereof the Steward of the Stannary for the time being to have and keep one Key, and two substantial Tinners, to be every Year by the great Inquest at the Law Court, in every of the said Stannary Courts next before the Feast of St. Michael the Archangel, thereunto elected, shall have and keep every of them one Key, and to be Attendant for the same when need shall require.

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The Laws made in Henry VIII's Time.

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¥ 111,	185
	1. All Pleas are pleadable in the Stannary Courts, except concerning Land, Life, or Limb — — — — — — — — 190
1)	2. No Deliverance, &c. be delivered for any Tin or Tin-works ibid.
	3. Any Man may dig Tin throughout the County of Devon, and carry Water to his Works, &c. whoever shall obstruct them shall fall in
	the Penalty of 40 l. — — ibid.
	4. All Tin washed, &c. be coined before the Feast of St. Michael, on
	Forfeiture of the Coinage Duty 8 d. per hundred Weight
	5. No Action be brought against any Spallier for working in Tin-
	works — — — ibid.
	6. Tinner appearing before any Man, for any Matter determinable, except the Warden, Penalty 5 1. — ibid.
	7. No Tinner sue another Tinner but in the Stannary Court, except
	Plea concerning Land, Life, and Mayhem; Penalty 101. ibid.
	8. No Tinner, &c. fetch any Warrant or Supersedeas of the Peace
	against another Tinner, but from the Warden, or his Deputy, un-
a ·	der Penalty of 5 l. — — — 192
	9. Persons forceably entring Tin-works, and taking away Tin, shall
	be committed to Lidford Goal, and pay a Fine of 40 L ibid.
	10. No Tinners be returned on Juries, but only in the Court where he
	dwelleth — — — ibid.
	Gentleman for and he that to give her taketh that forfair and
	Gentleman, Oc. and he that so giveth or taketh, shall forfeit 20 1.
	12 Sinder Tin, or allay'd with other Tin, unless mark'd with Letter
	H, be forfeited
	13. Owners of Blowing-Houses, and Coiners of White Tin, do en-
	ter their respective Marks at a fix'd Time in the Steward's Book,
	on Forfeiture of the Tin — — ibid.

14. No Tinner be retained by any Person by Sign, Badge, or Livery, Anno 2 Hexcept manual Servants, but only with the Lord Prince, his War-VIII.
den, or Deputy 193
15. No Merchants buy any but Merchantable Tin; if Sinder Tin
therein, the Owner shall Recompence the Merchant his Costs and
Charges, and forfeit the Tin; but if found Merchantable, the
Merchant to pay the Penalty of 5 l ibid.
16. Diverse Partners in one Work, and any of them defraud his Part-
ners, and suffereth the Work to be Alay, and a Stranger to pitch the
faid Work, and warn not his Partners of such Pitch-How pu-
nith'd — 194
17. Any Spallier that keepeth a Work, and fuffer the Work to be Alay,
and causeth a Stranger to pitch the said Work, how punish'd? ibid.
18. Nichils be returned as usual, and the Bailiff examin'd in Court
ibid.
19. All Bargains and Sales to be made by Persons under the Age of
16, to be void ibid.
20. Persons dying seiz'd of Tin-works, the Heir being under the Age
of sixteen, he, or she, next of Kin, shall have the Management
till the Heir come to the Age of fixteen Years - ibid.
21. All Bargains made of Tin-works of Persons seiz'd in Right of
their Wives, continue no longer than during Coverture 195
22. Pitch, or Warning given to any Person within the Age of fixteen,
of any Tin-work, to be void, except to his Guardian in open
Court - ibid.
23. Tinners, &c. refusing to pay any Sums of Money affessed on
them for the Charges and Business of the Stannaries, shall for feit
5 l. ibid.
24. No Person make any Wash of his Tin before he Name his Part-
ners. Penalty 5 l ibid.
25. Persons seized of Tin-works, and peaceably continue two Micha-
elmas Washes without Claim in open Court, &c. shall have the said
Works to him or their Heirs for ever, except Women Covert, In-
fants, or Persons in Prison, or out of the Realm ibid.
26. Action brought by Tinner for Trespass done in his Ground. The
Defendant, how discharged of it ibid.
27. The manner of Gifts of Tin-works to be good, by Testament,
Letter of Attorney, and Hand Livery ibid.
28. Persons posses'd of divers Tin-works, and will Part from them,
Livery must pass in every Work - ibid.
29. Persons selling white Tin uncoined, forfeit the same, &c. ibid.
30. Persons coining others Tin in his own Name, forfeits the said Tin,
To 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
Oc. 197
31. Divers Partners in one Work, either may Work his own Part;
and that his Fellows take no Tin from the Wash, till agreed with
his Partners — ibid.
32. Tinners for Wrong done them to complain to the Steward, the
Vice Warden, or the Lord Warden, and for want of Justice in
those, to the Prince's Council ibid.
33. No Sheriff, Bailiff, &c. Arrest a Tinner, unless by Command of
the Lord Warden, Oc.
34. Tinners free of Toll, in all Fairs, &c. except the King's great
Custom ibid.
35. Tinners not to appear on any Jury against a Tinner in any Assize,
Oc. for digging in any Man's Freehold. Penalty 20 1. 198
36. None but Men learned in the Law to plead in the Stannary Courts,
and in English — ibid.
37. Scire Facias to be awarded upon all Penal Statutes ibid.
Anno
Ann

Anno Vicessimo Quarto Hen. VIII.

1. TINNERS renew their Head-weares, Side-Bounds, &c yearly between the Feast of All Saints, and the Feast of St. Michael, &c.
2. Owners of Tinners to enter a Surmise of their Proof, the next Court, against the Pitcher of any Tin-work, and a Scire Facias to be awarded against the Pitcher to appear, &c. and if the said Pitcher
3. Pitchers of Tin-works to have a Day over to imparoll at a Day of Proof appointed by any Owners of Tin-Works
4. Pitchers of Tin-works not known, and afterwards avoid the Country, Owners to fet him a Day of Proof, and on Proclamation made of the Day, that the Owners will prove their faid Tin-works, Pitchers not then appearing, to lose his Pitch, and forfeit 10 l.
5. The Act made Sept. 24. 8th of Hen. VIII. for keeping of Tin- works, be void
6. Persons working Stream-Works, keep their Gravel, &c. under the Swerd of the Grass, whereby the Rivers of Dartmouth, &c. be annoyed
7. Persons to convey their Gravel, Ruble, &c. into old Hatches, Tipittes, &c. and to be careful the said Gravel, &c. is not convey'd into the Havens of Dartmouth, Plimouth, &c. on Pain of such Fines as shall be affested by the Lord Warden, &c.
8. Persons conveying Gravel, Ruble, &c. to any Hatches, Ties, &c. of any Tin-works, while such Works are Working, Party grieved to have his Action against such Persons as usual ibid.
9. Persons working in Hatch-Works nigh any great River, that shall turn their Lake Waters into their Hatches, Party grieved to have his Action as usual
Pitch of any Tin-works, &c. Repealed ibid.
The Keeper of Lidford take no Fees on such Arrests, &c. on Penalty of 205.
Executions; if the Persons so arrested, find Sureties to Answer the Plaintiss, &c.
bove 2 s. and the Bailiff for Return of the Jury 6 d. on Penalty of
15. No Persons admitted to any Essoyne, upon any Issue to be tried after the Jury have appeared — ibid.
16. Tinners before the Feast of St. Michael, yearly, to make their Head-Weares, &c. in all dry Tin-works like a hooked Arrow, and adjoining to Rivers, half hooked Arrows

Anno Vicessimo Quinq; Hen. VIII.

- The Person's feized of Tin-works, in Fee Tail, &c. who shall make Gifts, or suffer Recoveries to their use, or shall take any Profits, &c. shall be deemed Tinners, and bear their Proportions, &c. accordingly
- 2. Tinners giving away his Tin-work, and deposing that he taketh no Profit to his own Use, any Tinner may sue him out of the Stannary Courts
- 4. Defendant to have one Court Day to imparol, &c. 212
 5. Persons taken and imprisoned by any Plaint in the Stannary Courts, and shall after nonsuit the Plaintiff, he, or they, may recover their
- 7. Persons labouring Inquests, or menacing them, to pass with the one Party or the other, in any of the four Stannary Courts, the Persons offending, how prosecuted and punished ibid.
- 8. Persons who are Parties in any Action at Issue, or their Sollicitors, may labour the Inquests to appear, and give Verdict according to Evidence
- 9. Persons, Partners in Tin-works, where the Title is in Variance, refusing his or their Proportion of the Expences, &c. in Law, to receive no Profit of his or their Share of such Tin-work, till such Charges be paid ibide
- 10. Persons peaceably seized of any Tin-work, and so continue till Michaelmas Coinage, without any Persons demanding it in open Court, &c. to be held good to his and their Heirs for ever 215
- 11. The above Act not to extend to Women Covert, Infants, Lunaticks, Persons in Prison, &c. ibid.
- 12. Persons giving corrupt Evidence, to be committed to the Prison of Lidsord, to make Fine, &c. ibid.

Finis Hen. VIII.

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2. PERSONS selling falsify'd Tin, and coining Tin without the Letter H set on the same, if prov'd, how punished.—The Blower of the same to stand in the Pillory
3. Merchants, and others, buying falfify'd Tin, and concealing the same, if found by Verdick, Oc. to forfeit 10 l. for each Piece
4. The two Acts made the 24th Day of September, Anno 8 Hen. VIII. concerning Sinder Tin, repeal'd ibid.
5. Persons selling Blocks, or Slabbs of Tin, before coin'd, Seller and Buyer to sorfeit 40 s. for every Block, Oc. — ibid.
6. Venire facias, after Issue join'd, to be returned by the Foster, to
prevent Abuses on Challenge of the Bailiss, who is to return 24 in- different Tinners to the Steward, taking for his Fee, 3 s. 4 d. and
if any of the faid 24, on Summons, do not appear, to forfeit 12 d.
Issues-Jurors, Bailiss, &c. how to behave on Trials, &c. 221
7. If Bailiff and Array be challenged and quashed, the Bailiff to re-
pay the Plaintiff 3 s. 4 d. &c. — 222 8. Persons promising Bailiss, or Foster, any Reward, touching Returns
by them made, to leave out Persons of any Return, Ge. and Per-
fons convicted of wilful Perjury to be committed to Prison, to make
Fine, and forfeit 20 1. 9. Where divers Tin-works, and Parts of Tin-works be contained in
one Letter of Attorney, if Livery pass in one, or Part, it shall
Enure, and be good Livery for the whole. Persons departing with
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10. No Demurrer in Law to lie in the Stannary Courts - 224
- Demurrer, what is meant by it - ibid.
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12. After Isue joined, and the same remain four Courts untry'd, the
Action to be void — — — — — — — — — — — — — — — — — — —
13. What is meant by putting themselves upon the Country 14. Actions where the Damages exceed not 51 except Actions of
Trespass for entring Tin-works, four indifferent Tinners, shall be returned in the Face of the next Court openly, by the Steward, for his Precept 4 d. Bailiss for his Return 4 d. ibid.
-Article ut Supra, not warranted by Law. Vide the Clause ibid.
the faid Works — Works Alay; Owners how to act to fecure
16. Persons attached by their Goods, and do not appear at the next
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17. The Fees of the Courts — — ibid.

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7. Persons working in Stream works to convey their Ruble, Ge. into
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8. An Act for Weights and Measures - 244
9 A Toppe, or Gallon, to be kept by the Steward - ibid.
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11. Tinners weighing white Tin by the Beam; the Buyers to have
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12. An Act for Registring of Tinners, and to reform the Disorders of
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13. Tinners to Register their Names as Tinners, within two Months
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14. Persons of the Age of 21 Years, alienating his Tin-work, unless
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Name, within two Months, and to pay for cancelling it 2 d. ibid.
15. Tinners arresting Foreigners by Process of Nichil, not being with-
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16. On all Penal Statutes, &c. fued in the Stannary Courts, there
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Facias for the levying of any Penalty; but if Bailiff return, That
he can't find sufficient Goods, then a Capias to be awarded ibid.
17. An Act for working in Wood-Grounds, Meadow-Grounds, and
Pasture-Grounds, allotting in some Cases a Tenth Part to the Owner
18. Tinners may carry Water to and from Tin-works, over and thro
11 1 0 1 1 1
19. Tinners to make level and fill up all Tin-works within one Year
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treble Damages — ibid.
20. Lords and Tenants of Meadow-Grounds, &c. to have one Tenth
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21. An Act for the Punishment of false Verdicts, &c 250
22. The Substance of all Judgments, Verdicts, and Executions, con-
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24. Persons absenting themselves from their Tin-works twenty Days
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	four Stannary Courts, be yearly held, and to be of equal Force, as
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	30. The Prince to have one half of all Penalties, and the Party who
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	31. On every Indiament, Oc. the Party against whom it is found
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	32. An Act against such who shall colourably depart with their Tin-
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	33. Tinners and Spalliers, whose Names are Registred, shall be quit
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	38. An A& whereby the Lord of the Stannaries is authorized to Re-
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N. B. Gentlemen are defired to correct the following Mistake, viz. From Signature (C), Fol. 8. to (G), Fol. 21. there appears to be an Imperfection of three Sheets, by that Vacancy; but it is entirely perfect; the Mistake being occasion'd by the different Printers, who were concern'd in printing it, by a wrong Computation of their Copy.